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THE ARREST OF AARON BURR: A DOCUMENTARY RECORD

edited by

Stuart O. Stumpf

During the summer of 1807, as the government was preparing the prosecution of Aaron Burr on treason charges, the Attorney General of the United States, Caesar A. Rodney, solicited an account of the arrest of the former Vice President. The Attorney General directed his inquiry to Nicholas Perkins, a federal land registrar in the Tombigbee region of the Mississippi Territory. Perkins and Lieutenant Edmund P. Gaines of the United States Army had been responsible for the identification and arrest of Burr on February 18, 1807.¹

Perkins replied with a detailed account of the episode and its immediate aftermath. This narrative appears to be the only contemporary relation by a participant in the incident which ended the Burr conspiracy.² Although cited by W. F. McCaleb in his 1903 monograph on the conspiracy and published with other materials in *The American Historical Magazine* in 1896, most historians and biographers of Burr have neglected the Nicholas Perkins Papers located at the Tennessee State Library and Archives, Nashville.³ Instead, accounts of Burr's arrest have been based upon Albert James Pickett's *History of Alabama*. A conscientious mid-nineteenth century

¹The most thorough treatment of the Burr conspiracy is found in the works of Thomas Perkins Abernethy, *The Burr Conspiracy* (New York, 1954) and *The South in the New Nation, 1789-1819*, Volume IV of Wendell Holmes Stephenson and E. Merton Coulter (eds.), *A History of the South* (Baton Rouge, 1961), 261-96. Walter Flavious McCaleb, *The Aaron Burr Conspiracy* (New York, 1903; expanded ed., 1936). The introduction by Charles A. Bears, presents an interpretation of events most favorable to Burr. An excellent brief summary of the tangle of events and personalities is presented in Marshall Smelser, *The Democratic Republic, 1801-1815* (New York, 1968), 111-24. The Nicholas Perkins Papers are found in the collections of the Tennessee Historical Society, Tennessee State Library and Archives, Box B2, No. 242B.

²T. C. A. Rodney (undated), Perkins Papers.

³McCaleb, *Burr Conspiracy*, 233. "The Capture of Aaron Burr," *The American Historical Magazine*, I (1896), 140-53. This periodical was the predecessor to the current *Tennessee Historical Quarterly*. There are several inconsistencies between the manuscript in the Perkins Papers and this previously published account.

historian, Pickett interviewed several surviving residents of the vicinity in which Burr was captured and corresponded with Edmund Gaines before the death of the retired officer in 1849. However, these interviews took place more than three decades after the events, helping to explain the discrepancies between Pickett's rather florid summation and the Perkins's statement.⁴ Another account of the arrest is found in a unsigned letter which appears in J. F. H. Claiborne's *History of Mississippi*. Perhaps written by a representative to the territorial legislature from the Tombigbee district, Lemuel Henry, the letter was sent from Gaines's post, Fort Stoddert, late in February. In any case, the letter's author had returned to the area where the events had taken place and was basing his relation to a great extent upon community gossip.⁵

As the individual most responsible for the arrest of Burr, Nicholas Perkins provides the best record of the episode. A native Virginian, Perkins had been appointed by President Thomas Jefferson to serve as a federal land registrar. While serving in that capacity, he acquired extensive land holdings in the Tombigbee River Valley.⁶ Following the arrest of Burr, Perkins agreed to take charge of a party of volunteers and regular soldiers who were to transfer the prisoner to the place of his trial. Perkins never reached his original destination of Washington, D.C., as in route he was ordered to transport Burr to Richmond. The young registrar confronted some considerable difficulties on his journey including an attempt at escape by Burr while they traveled through South Carolina. Even after the safe delivery of Burr, Perkins had problems gaining reimbursement for his party's travel expenses.⁷ For a short

⁴Albert James Pickett, *History of Alabama* . . . (2 vols. Charleston, 1851), II, 216-28. Among the works utilizing Pickett's study have been Abernethy, *Burr Conspiracy*, 221-24; William H. Stafford, ed., *The Blennerhassett Papers* (Cincinnati, 1864), 206, 214-23; James Parton, *The Life and Times of Aaron Burr* . . . (2 vols., Boston, 1881), II, 93-98; Nathan Schachner, *Aaron Burr, A Biography* (New York, 1937), 382-84.

⁵J. F. H. Claiborne, *Mississippi, As A Province, Territory and State* . . ., (1880 reprint ed., Baton Rouge, 1964), I, 288-89.

⁶"Perkins, Nicholas 'Bigbee'" in Tennessee State Library and Archives, *Biographical Directory, Tennessee General Assembly, 1796-1969, Preliminary*, No. 25, *Williamson County* (Nashville, 1971), 38.

⁷Edmund P. Gaines to Perkins, February 19, 1807; Edmund P. Gaines to Perkins, undated, but with enclosed passport for Perkins and party dated February 27, 1807, Perkins Papers. James Madison to Lewis Ford, March 23, 1807, and Henry Dearborn

time following his return to the Mississippi Territory, Perkins served as Attorney General. After 1810 he settled in Williamson County, Tennessee, where he was a planter and a lawyer. Except for serving two terms in the Tennessee General Assembly, Perkins had retired from politics.⁸

Edmund P. Gaines, also a native Virginian, was a career army officer who at this early stage in a long and successful military career commanded the garrison at Fort Stoddert. An extremely troublesome frontier command, the fort was located just north of Mobile Bay which was then a part of Spanish West Florida. Gaines was uneasy about the presence of Aaron Burr, even as a prisoner, in an area where the sympathies of the settlers were favorable toward the former vice president and the attitude of the Spanish authorities was uncertain. For these reasons Gaines prevailed upon Perkins to transfer Burr out of the territory.⁹

The capture of Burr by Perkins and Gaines brought an end to his final flight for freedom. With the collapse of his complicated cabal obvious and his safety threatened by his former associate, General James Wilkinson, on February 5, 1807, Burr had fled from the small, territorial capital of Washington, a short distance from Natchez. Although he remained within the vicinity for about one week, he eluded detection. During this time Burr was not inactive; he met and corresponded with some of his confederates. Burr also wrote a note to Governor Robert Williams which denounced the governor's proclamation declaring him a fugitive. Apparently,

to "the Officer who has charge Aaron Burr," March 23, 1807, *ibid.*, order Perkins to bring Burr to Richmond for trial. The difficulties of Perkins in receiving reimbursement and his expense account are recorded in Perkins to [George W. Hay ?], March 29, 1807; Perkins to [Dearborn ?], June 10, 1808; John Graham to Perkins, August 3, 1808; George S. Gaines to Perkins, November 13, 1808; "Expenses incurred by his (Perkins) Expedition with Aaron Burr to Richmond, Virginia," January 24, 1810, Perkins Papers.

⁸"Perkins" *Biographical Directory, Tennessee*, 38.

⁹The career of Edmund P. Gaines has been discussed by James W. Silver in "Edmund Pendelton Gaines and Frontier Problems, 1801-1849," *The Journal of Southern History*, I (1935), 320-44. Edmund P. Gaines' Confidential letters to Perkins, February 19, 1807, in Perkins Papers, expresses his concern and solicits Perkins' advice. One week later the letter of instruction and passport were presented to Perkins and his transfer party set out with the Prisoner. Edmund P. Gaines to Perkins, passport enclosed, dated February 27, 1807, *ibid.*

during most of this time Burr was accompanied by Major Robert Ashley.¹⁰ Dropping from sight, Burr traveled in the direction of the Tombigbee region immediately north of Mobile in a last effort to gain at least something from his enterprise.¹¹

During the period between his surrender to the Mississippi authorities on January 16, 1807, and his appearance before the Territorial Superior Court on February 3, Burr had been made aware of considerable unrest in that part of the Mississippi Territory. Indeed, while Burr was awaiting trial, legislative sentiment and expressions of editorial opinion denounced the Spanish who were in control of West Florida as well as General James Wilkinson, Burr's recent co-conspirator and the pensioned agent of Spain.¹²

In the territorial legislature James Caller, one of two representatives from the Tombigbee region, introduced a series of resolutions which stated that the harassment of the commerce of American citizens residing immediately above West Florida was no longer to be tolerated. Burr met privately with Representative Caller, Lemuel Henry, the other representative from the Tombigbee district, as well as Colonel John McKee, Indian agent and former associate of General Wilkinson. At this meeting Burr allegedly stated that since the Tombigbee settlers had been neglected by their government, they possessed the right to establish a new government for themselves, leaving the obvious implication that he would aid them in this task. Caller, for his part, reportedly assured Burr that he might find considerable support in the Tombigbee settlements for any enterprise which had the approval of the national government and which was directed at Spain. While in Natchez prior to his court appearance Burr met another resident of the Tombigbee valley, Major John Hinson. Burr may have made arrangements to stay at Hinson's home if it should be necessary

¹⁰Ashley was a former army officer then resident in New Orleans. Abernethy, *The Burr Conspiracy*, 219-21. Governor Williams' Proclamation is reprinted in J. F. H. Claiborne, *Mississippi*, I, 284.

¹¹Abernethy, *Burr Conspiracy*, 54.

¹²*Ibid.*, 208-11. Abernethy quotes at length from the *Mississippi Messenger* of January 20, 1807, which urged its fellow citizens to "pause and reflect" upon the validity of the assertions against Burr. The paper attacked the "Military despotism" which Wilkinson had erected in New Orleans, and it pointed to the incongruity of American citizens armed against Burr's threat to invade Spanish colonies.

that he travel in the vicinity.¹³

On February 2, Burr's case came before the Superior Court of the Territory, presided over by Judge Peter Bryan Bruin, a partisan of Burr, and Judge Thomas Rodney, the father of Jefferson's Attorney General, Caesar A. Rodney. Judge Rodney was, nevertheless, a man who had been highly critical of General Wilkinson's abuse of military authority in Louisiana. The Grand Jury absolved Burr which is hardly surprising considering the public mood was very favorable to him. Judge Rodney refused to release Burr from his bond but allowed him to remain free upon his own recognizance. Burr protested and demanded an immediate trial in the apparent belief that he might be found not guilty. The following night he fled from the authorities. With Robert Ashley, Burr journeyed to the Tombigbee region. Instead of a hero's welcome, Burr was placed under arrest through the efforts of two ambitious young men, Lieutenant Edmund P. Gaines and Nicholas Perkins.¹⁴

Prior to the Burr trial which opened in August 1807 Nicholas Perkins sent to Attorney General Rodney a statement in which he described the events surrounding the arrest of Aaron Burr. Perkins's account is reprinted in full from a copy in the Tennessee State Library and Archives.¹⁵ The inconsistencies of spelling, capitalization and punctuation are retained.

C. A. Rodney esqr.

Sir,

At your request I have committed to writing the circumstances of the arrest of Aaron Burr esqr. on the Tombigbe River in the Mississippi Territory.

I believe it was on the 18th of February last, about 12 o'clock in the evening or after I was at the court

¹³*Ibid.*, 211-12, 215-16; Claiborne, *Mississippi*, I, 286-88.

¹⁴Abernethy, *Burr Conspiracy*, 217-19. The newspaper report of the proceedings as well as the presentment of the Grand Jury were published in Claiborne, *Mississippi*, I, 283-84.

¹⁵Perkins to C. A. Rodney, (undated) Perkins Papers.

house for the county and District of Washington in the Mississippi Territory in company with Thomas Malone clerk of the said District Court and Theodore Brightwell Sheriff of the County of Washington when I heard the sound of horses feet as if coming on the road that passes near the house in which we were the Sheriff was in bed, I asked Mr. Malone what could people be after, riding at that time of night, he answered it was not uncommon at that place the moon shone very bright. I resolved to see them as they would pass that house for which purpose I went to the door when a man road by in a brisk trot, without making any stop or saying a word altho he passed within 20 feet of the door in which I stood.

I observed another person coming on at a small distance behind, who stopped when he came opposite the door and began enquiring the road to Major Hinson's of which I informed him, and telling him that it would be very difficult to get there in the night the bridges were broken and part of the way was a path only and that they had better stay at the tavern which I pointed out to him that was in the town, he replied they had come from the Chickasaws and had lost their horses up the country that evening which had detailed them but that he believed he could find the way and would go to Major Hinson's, and then road on after the one who passed first, and made no stop.

I then turned to the Gentlemen in the room and observed that those were very extraordinary men indeed, riding at that late hour of the night in strange country, determined to go on to Major Hinsons at the distance of 7 or 8 miles on a bad road over broken and dangerous bridges, passing by a public house to a private one, and that they must either have some bad design upon Hinson or his property, or that it was Colonel Burr making his escape through that country, I then requested one of the Gentlemen to accompany me for I was resolved to follow them and if possible to discover who they were or what was their business, the Sheriff Mr. Brightwell agreed to go with me, he

got out of bed dressed himself and taking our horses pursued them to Major Hinson's whither they had arrived before we overtook them, when we road up to the fence we found their horses tied there, and going into the yard met the Gentleman who had inquired of me the road at the court house whose name was Ashley but could not see the other who I afterwards discovered had got into the kitchen for the benefit of the fire there being none in the room that was opened for the strangers, after being there some time, the Sheriff was giving directions to the servant about the horses Mr. Ashley and myself in the house when the person who had been at the Kitchen fire came in, I observed his dress and every appearance to be extraordinary, as well as I can recollect he had on a white hat with a brim rather broad than otherwise a long beard, a checked Hankerchief around his neck a great coat belted around him to which was hanging a tin cup on one side and a butchers knife on the other. I began to think he must be Colonel Burr, and watched an opportunity of seeing his eyes by which I expected to know him at length I got a glance at his eye, as he looked aside at me, upon which I became confident this was Colonel Burr soon after I got my horse and left the house as if going back to the court house but after pursuing that road I turned and took the road down to Fort Stoddert where I arrived before the sunrise and informed Lieutenant Gaines of what I had seen and heard the preceeding evening and of my suspicions that the person with the white hat was Colonel Burr, he then agreed to go with me and selecting as he said [a] confidential sargent and three soldiers we set out on horse back up the country towards Major Hinsons. When we came within two or three miles of Major Hinson's we met Colonel Burr in company with the Sheriff Mr. Brightwell, we did not see them until we approached very near each other they were ascending a small hill, when we rode up to them Lieutenant Gaines asked if he was not Colonel Burr he answered in the affirmative and then Lieutenant Gaines arrested him some conversation passed between Lieutenant Gaines and Colonel Burr on the

subject of the arrest, at length Colonel Burr asked Lieutenant Gaines if he had any authority to arrest any other person with him, Lieutenant Gaines said he had not, then Colonel Burr requested that Mr. Ashley should be informed that he wished him to come to Fort Stoddert which I agreed to do if I should see him, and then Colonel Burr Lieutenant Gaines and the soldiers road off towards Fort Stoddert leaving Mr. Brightwell and myself at the place.

After they had got some distance from us I began to interrogate Mr. Brightwell about Colonel Burr, he said when Colonel Burr saw us he asked Mr. Brightwell who was that, or what did that mean (I do not recollect which) Mr. Brightwell replied that is Perkins and you are gone, the Colonel then clasped the bridle in both his hands saying Lord have mercy or God have mercy (I do not recollect which) this is as well as I can recollect what Mr. Brightwell told me was the expressions of Colonel Burr on our approach.

I then asked Mr. Brightwell what was Colonel Burrs conversation about me after I left Major Hinsons he said Colonel Burr told him he was confident that I either knew him or suspected him and had pursued him that night to Major Hinsons, Mr. Brightwell then acknowledged what has passed between him & myself he then enquired of Mr. Brightwell if he thought there was any person in the country who would arrest him and I think Mr. Brightwell said his answer to him was, he did not know of any one, he then asked if he Mr. Brightwell thought I could not be softened, I believe Mr. Brightwell told me that Colonel Burr was going to Mr. Mimms which is on the East side of the Alabama (but I am not certain) and that he Mr. Brightwell was to shew him the way to the ferry.

I then left Mr. Brightwell and pursued the road or path towards the court house, and before I reached that place overtook Mr. Ashley and we road together to the court house, I then wrote a letter to Colonel Callier informing him of the circumstances requesting

that he would meet me the next evening at the court house,¹⁶ Mr. Ashley went with the message to Colonel Calliers, I had not told Mr. Ashley of Colonel Burrs arrest, but that Colonel Burr requested him to come to Fort Stoddert he observed Colonel had changed his plan or rout (I do not remember which).

When I came to the court house the next evening I found Colonel Callier and Mr. Ashley there, the Colonel told me that he had not told Mr. Ashley of Colonel Burrs arrest, but that he pretended to approve of Colonel Burrs conduct in order to sound Ashley as he said. Ashley told him that Colonel Burrs schemes were of aims to the Floridas and Mexico, Colonel Callier asked if Colonel Burr had a sufficiency of money to carry on his plan Ashley said he had about one hundred and fifty thousand dollars, this is as well as I can remember the conversation that Colonel Callier told me has passed between him and Mr. Ashley, Colonel Callier and myself then walked to where Ashley was, and then the Colonel arrested him, Mr. Ashley asked what he was arrested for, and I told him it was for being one of Colonel Burrs party, he then denied that he knew anything of Colonel Burrs plans he had met with Colonel Burr by accident found him a pleasant traveling companion and had come with him to that place, I then told him that Colonel Callier had related to me the conversation they had had on that subject and it was unnecessary to deny what he had told the Colonel, Ashley said he had told the Colonel that he believed so, but never had told him that he knew anything about Col. Callier contradicted him, soon after which I got my horse and started [to] Fort Stoddert.

I did not arrive at Fort Stoddert until the next day, not long after my arrival to that place Lieutenant Gaines introduced a gentleman to me saying he was a Spanish officer, who I think he said commanded a Spanish armed vessal called Louisiana who has been up the river as I was told to purchase sea stores or some

¹⁶This was undoubtedly John Caller, the brother of James, who was a prominent planter and militia officer. Abernethy, *Burr Conspiracy*, 201-2.

things that were necessary for a cruise that he was about to undertake, and that he would not leave that place until next evening, the Spanish officer spoke no english as I heard, but conversed by means of an interpreter.

In the evening after the Spanish officer requested to see the prisoner (Colonel Burr) soon after which Lieutenant Gaines asked me whither it was proper I told him I thought not, but that I supposed Colonel Burr himself would object, and that he had better go and see him, Lieutenant Gaines went into the room where Colonel Burr was, and again returned into the room where the Spanish officer and myself was, holding a piece of paper in his hand, on which was some writing but what was written by I do not know, said to the officer it was improper that he should see Colonel Burr as he was then a prisoner of the United States and he Lieutenant Gaines then said as well as I can recollect Colonel Burr sends his compliments to Moralis¹⁷ and his daughter and requests that he would send him some wine; and I think some other articles but do not remember what; and then gave the paper to the Spanish officer, who started off down the river towards Mobile in a short time, at which Lieutenant Gaines appeared to be alarmed, and said to me he was suspicious the Spanish would endeavor to rescue Colonel Burr and that he was unable to defend himself, as his pickets were pulled down and some of his men unfit as for duty, and then I consented to convey him to the city of Washington.¹⁸

¹⁷Don Juan Ventura Morales was formerly the Spanish intendant of New Orleans. Burr met with him during his 1805 western tour. In early 1807 Morales was at Mobile. Morales may have been involved with Burr and Wilkinson in their enterprise. Abernethy, *Burr Conspiracy*, 8, 29.

¹⁸In letters sent to General Wilkinson and Governor Williams announcing the arrest of Burr, Edmund P. Gaines expressed fears that Burr might be conniving with the Spanish in Mobile to obtain his release. The lieutenant also stated his view that in such an event his force was not sufficient to secure Burr's detention. He may also have feared that the prolonged presence of Burr might serve as a rallying point for anti-Spanish action by the American settlers. The same day he wrote to Wilkinson and Williams, Edmund P. Gaines sent his letter marked "Private" to Perkins requesting his advice and suggesting that Perkins lead a party which might

As to the affair at Chester S.C. when we came to the edge of the town I rode on one side of Colonel Burr and one of my party on the other, when we arrived near the middle of the town as I suppose, Colonel Burr leaped from his horse and asked if there was any Magistrate there and going in among several Gentlemen that were standing together in the street requested them to protect him from us, that we were taking him along without any authority, Colonel Burr was seated on his horse again and conveyed off immediately.¹⁹

transfer Burr to Washington, D. C. for trial. Edmund P. Gaines to General Wilkinson and copy to Governor Williams, February 19, 1807, Perkins Papers, Edmund P. Gaines to Nicholas Perkins, February 19, 1807, *ibid*.

¹⁹Perkins refers here to Burr's attempted escape which occurred while transporting the prisoner northward.

THE SENATORIAL CAREER OF
ARTHUR PENDLETON BAGBY

by

John M. Martin

In late 1841 Arthur Pendleton Bagby, then completing a second successful term as Governor of Alabama, was presented with an opportunity to seek a seat in the United States Senate when Senator Clement Comer Clay resigned. In many ways an obvious candidate, Bagby also had some political disadvantages: he was a longtime resident of Monroe County, and the vacant seat normally went to a North Alabamian; and he was strongly opposed by the Whigs, who charged that a "corrupt bargain" had been made between Bagby and Clay, in which the two had agreed that Bagby would hold the post for two years then step aside to allow Clay's return. Although Bagby had lived in South Alabama until his election as Governor and lived then in Tuscaloosa, he was apparently the choice of a majority of the Democrats even though a few North Alabama Democrats insisted that the seat should go to a North Alabamian as a "matter of right." Faced with Bagby's candidacy and those of several North Alabamians, the Democratic caucus of the General Assembly was unable to agree upon a nominee and decided that any party member could seek the seat.¹

Very much opposed to Bagby, the Whigs hoped to combine their votes with those of eight to ten North Alabama Democrats and bring about his defeat. Encouraged by the Whigs, David Moore of Madison County, Speaker of the House, presented himself as the North Alabama candidate. On the first ballot, Bagby received 59 votes (57 Democratic and two Whig) and Moore received 60 votes (seven Democratic and 53 Whig) with eight votes scattered among other candidates. On the second ballot, after six Democrats and one Whig had shifted their votes to him, Bagby won by a vote of 66-59. Embittered by the result, one Whig editor declared that the "demagogue and

¹Ruth Ketring Nuremberger, *The Clays of Alabama: A Planter - Lawyer - Politician Family* (Louisville: University of Kentucky Press, 1958), 64; Huntsville *Democrat*, November 20, December 4, 18, 1841, January 8, February 15, 1842, hereinafter cited as *Democrat*.

renegade" Bagby was a fitting successor for Clay, for the two were "birds of a feather."²

Following the election, debate continued throughout Alabama concerning the wisdom of electing Bagby to the North Alabama seat. Moore defended his unsuccessful candidacy on the grounds that, without a senator, North Alabama would lose its proper weight in government.³ Others seconded the view, saying that Bagby could not adequately represent the Tennessee Valley. By early 1842, steps were being taken to insure Bagby's defeat if he later sought a full term in the Senate.⁴ Meanwhile, Bagby's defenders deplored the fact that the "coon-skin gentry" were attempting to stir up "division, jealousy, and discord in the Democratic ranks." They argued that Bagby had the support of a majority of North Alabama Democrats, that his current home was Tuscaloosa, and that he was an able person.⁵

When Bagby arrived in Washington, he found a government disrupted because of an impasse between factions of the Whig Party. Discouraged, he wrote his wife that the forthcoming session would "probably be a long one and certainly an unprofitable one." Insisting that politics had no charm for him, he expressed doubt that he would return for the following session.⁶ Despite his early pessimism, however, Bagby soon became deeply involved in Senate matters and seemed to relish defending what he considered to be basic principles of the Constitution and fighting against Whig measures and the Whig leadership. His greatest pleasure must have come from his attacks on the Whigs for their disunity.

Bagby made his first major speech on June 3, 1842, in opposition to a section of the reapportionment bill calling for creation of congressional districts; he favored a general ticket concept similar to the one then in use in Alabama, declaring it to be "the only constitutional mode of electing members of

²*Democrat*, December 4, 1841; *Montgomery Alabama Journal*, December 1, 8, 1841, hereafter cited as *Alabama Journal*.

³*Democrat*, January 8, 1842.

⁴*Democrat*, January 22, February 5, 1842.

⁵*Democrat*, December 4, 1841.

⁶Arthur Pendleton Bagby to Ann E. Bagby, February 26, 1842, Arthur P. Bagby Papers, Alabama Department of Archives and History, Montgomery.

the House of Representatives." Under the Constitution, Bagby stated, Congress could only fix the "time, place, and manner of holding elections," nothing more. Since the states or the people of the states were depositories of all other powers, any form of election by which any of the people of a state were deprived of the right to vote for the whole number of representatives to which the state was entitled was unconstitutional and "subversive of the rights reserved to the people of the several States." Not even the state legislatures, he asserted, could legally alter the provision. If Congress could violate the Constitution in this case, it could violate it in other ways. In answer to specific objections that had been raised against the general ticket system, Bagby first denied that the system was subject to abuse for partisan purposes and that it had been used for partisan purposes in Alabama. The people of Alabama, he insisted, had been influenced by "higher motives than the unprincipled thirst for political power." To the argument that the plan was "destructive of the rights of minorities" and in a sense disfranchised some of the voters, he replied that minorities had a right to the ballot box but not necessarily the right to be represented. Finally, he denied the argument of some that the plan would work for the advantage of large states and the disadvantage of the small states. If not amended, he declared, the bill called for the states to be accessories to their own degradation and for the power of Congress to be enlarged. The states, he predicted, would resist the districting arrangement. Denying that he was a nullifier, he, nevertheless, asserted that the proposed plan would be inoperative unless the states tamely submitted and allowed themselves to become "mere minions of federal power."⁷

Bagby charged that more attempts had been made to take away the rights of states, the liberties of the people, and the true principles of the Constitution during the session than in any previous period since the establishment of the government. The Whig Party, he alleged, sought an "augmentation and increase of the powers of the General Government at the expense of the rights of the states" which, if not checked, could

⁷*Speech of Arthur P. Bagby, of Alabama, on the Motion of Mr. Wright, to Amend the Second Section of the Bill, for the Apportionment of the Representatives among the Several States, according to the Sixth Census* (Washington: Peter Force, 1842), 4-12.

lead to the "destruction of the liberties of the people." In his view, the apportionment bill struck directly at the right of suffrage, aimed a fatal blow at "the great citadel of popular rights and representative freedom," and inflicted a "fatal wound" upon the Constitution. Balance in the Constitution, he declared, must be restored and preserved, and the "rude tide of federal encroachment" must be rolled back.⁸

In July, Bagby continued his attack on the Whig Party during a speech opposing extension of the power of federal courts to allow them to grant writs of *habeas corpus* to citizens of foreign states whose criminal acts had been committed under the authority of a foreign state. From the beginning of the government of the United States, he asserted, one party had sought to "enlarge the powers of the Federal Government . . . at the expense of the State Governments and the people." The measure in question, he said, would augment the powers of the national government at the expense of the states. It was especially dangerous since it represented a "silent encroachment" not likely to attract much attention because its effects would not be seen and felt by most people. Citing Article Three of the Constitution, he demonstrated that the framers of that document had clearly defined the powers of the national judiciary. Recognizing that judges might overstep authorized powers and become to an extent "the law making power of the government," he declared, these framers had granted only specific powers to them. If the proposed act were passed, it would permit a person who had been arrested under state laws to be brought before a federal judge and discharged by action of that judge. Such action by a federal judge might result in damage within a state or in the refusal of a state to carry out the action proposed and collision between federal and state authority. In case of conflict, he felt, the state must triumph because such a decision could not be enforced against a state. In the McLeod case, which had caused the proposal to be brought forward, said Bagby, New York had followed a proper course. Whatever the source of McLeod's authority, he had violated New York law. To him, it seemed unbecoming to the character and dignity of the United States to change its laws in obedience to the demands of another nation. To those who argued that the act would

⁸*Ibid.*, 12-15.

help to preserve peace, he answered that the best step to take even to preserve peace was to preserve the Constitution inviolate. Personally, he would prefer war if the alternative was to degrade the country.⁹

When the Webster-Ashburton Agreement calling for settlement of a boundary dispute in Maine and other differences between the United States and Great Britain came before the Senate, Bagby voted against it. He later explained that the vote had not been a partisan one, but that he questioned whether the United States by treaty negotiations could "cede away" a portion of its territory.¹⁰

On July 30, 1842, Bagby delivered a long speech in which he attacked the tariff bill then before Congress and questioned the motives of Whig sponsors. Senators, he declared, were being called upon to throw the mantle of protection over the manufacturing interests at a time when the treasury was empty and when the public credit was at a low point. Admitting that some industries needed protection in order to prosper, he argued, nevertheless, that the protective system violated basic principles of taxation which required that a government first determine the amount of revenue needed for economical and efficient operation and then levy taxes which operated as equally and as lightly as possible on the great body of taxpayers, whether agriculturalists, manufacturers, or merchants. As proposed, the tariff would be "unequal and unjust" in its operation. Manufacturing, a minority element of domestic industry, would be aided by protection at the expense of other elements, including merchants, planters, and farmers. Manufacturers, moreover, would be placed in a position of being suppliants to government and might become slaves. Southern interests, he claimed, were also endangered by the proposed oppressive system similar to those which had brought "blight and mildew" and near ruin to the section in the past. The plan under consideration would, he said, plunder ten for the benefit of one. Agricultural and merchant classes, a factor of ten, would be required to make an "eternal" contribution, to bear "perpetual burdens" for the benefit of a small manufacturing class. The unjust system, he asserted,

⁹*Congressional Globe* (Appendix), Twenty-Seventh Congress, Second Session, 554-555.

¹⁰*Congressional Globe*, Twenty-Ninth Congress, First Session, 265.

would make the rich richer and the poor poorer, for laboring classes would have to pay as much for necessities of life as would the millionaire.

The Constitution, declared Bagby, authorized taxation for revenue only, not for protection or even incidental protection. Some protection, he conceded, would result from any tariff, and he had no objection to such protection if the purpose of the tariff was revenue. Instead of producing revenue, however, protection actually tended to diminish income by excluding foreign articles. Deploping the combination that had arisen between manufacturers and politicians of the country "destructive of the highest and best interest of the country," he charged that ambition and avarice, the love of power and the passion for wealth, dominated the elements seeking a tariff increase.

In answer to those who said that Southerners did not know their true interests, Bagby told them that Southerners would not be blinded by slanted arguments and figures. They knew that a protective tariff raised prices and reduced revenue. It provided benefits for the manufacturer at the expense of consumers. Petitions from manufacturers and from other groups bore out such a contention. Despite the efforts of supporters of protection, he hoped that the principles of free trade would prevail in the near future rather than a program dedicated mainly to avarice and ambition.¹¹

Speaking later in opposition to inclusion of a provision in the tariff bill calling for distribution of proceeds from the sale of public lands, Bagby attacked both the concept of distribution and the Whig supporters of the measure. Distribution, he declared, was the most extraordinary legislation then before Congress from the standpoint of its constitutionality, the genius of government, and the condition of the treasury. It was, he said, a "clear and palpable" violation of the Constitution, for nothing in that document suggested that Congress could distribute proceeds from land sales. Since the national government was one of limited powers, the Constitution did not authorize the national government to become a "grand paymaster" for state debts. The public lands, he stated, had been acquired

¹¹*Democrat*, October 22, 1842.

by deeds of cession from the states or by treaties with foreign countries. They were the property of the United States and should be used for the common benefit of its people. There was no more logic, he asserted, in giving away the proceeds of public lands than in giving away other property or tax revenues; for, if land revenues were disposed of, other sources would have to be used to finance the needs of government. Adoption of distribution, he argued, would greatly distort the state-federal power relationship, and, indeed, would be a threat to the independence of states. Esau, he pointed out, satisfied his hunger but lost his birthright. Finally, explained Bagby, distribution was illogical because the treasury was empty, the revenue system was aground, and public credit was weak both in the United States and in Europe.

Bagby then turned to an attack on the motives of the Whigs who proposed to give away part of the national "estate." Distribution, he said, would require an increase in taxes and tend to raise the price of public lands by creating an incentive for states to ask for higher priced lands. Both taxpayers and prospective homeowners would suffer. Distribution, he suggested, had been proposed to "create the necessity for raising the duties on imports, in order to afford additional protection to domestic manufacturers." Designed to conciliate a great monied interest for political purposes, it would plunder the treasury and oppress the many to provide profits for the few engaged in manufacturing. The protective tariff, he exclaimed, was "the most unjust, oppressive and corrupt" policy which "an unholy combination between avarice and ambition ever inflicted upon any country." It stood on "the necks of the people of the South" who had been oppressed and ground down long enough. The people of New England who had been disloyal during the war of 1812, he alleged, were now the "pets and foster children" of the national government and were being supported in a program which was unpatriotic and selfish and in "the teeth and jaws of the constitution." Denying a charge that he was prejudiced against New Englanders, Bagby maintained that he respected them for their industry, frugality and enterprise, and for their revolutionary contribution, but that he opposed certain other traits held by some of them: a grasping disposition that made them willing to take money from one section and give it to another, a willingness to sup-

port a plan to put money into the hands of manufacturers at the expense of others, and sponsorship of measures that made businessmen suppliants to government. As for himself, he would not allow the protective system to exist for an hour.

In the same speech, Bagby excoriated the Whigs for their division and their treatment of President John Tyler. General William Henry Harrison, he exclaimed, had, by dying, been spared from becoming an "instrument in the hands of others, for the purpose of bringing irreparable evils upon the country." The relentless and unexampled opposition to President Tyler, he suspected, was owing to his refusal to become "clay in the hands of the potter, or a potter in the hands of Clay." While maintaining that he did not want to interfere in a family quarrel, Bagby reminded the Whigs that they should have known Tyler's views when they nominated him for the vice presidency because he was in line to be President if Harrison died. Since the Whigs nominated and elected Tyler, declared Bagby, they were responsible for any misfortunes resulting from his becoming President. Contrary to what the Whigs asserted, Tyler had not been seduced from Whig principles by the Democrats; he had long held the views for he was being attacked. Although some insisted that Tyler had violated the Whig creed, Bagby said he had not been informed of any Whig creed in 1840 except coonskins, red-pepper, hard cider, and a log cabin. How long, he asked, was the warfare between Whig factions to be kept up at the expense of the country? Tyler was President, and, under the Constitution, he had responsibility for the conduct of the office. Although some spoke of Tyler's "one-man power," Tyler, in fact, had "not a single friend" in the Senate with courage to avow support and only a "corporal's guard" of supporters in the House. Never before had institutions been in less danger from executive encroachment. Distribution, charged Bagby, was part of a catechism prepared by Henry Clay in 1841. Now, however, senators were being urged to support distribution rather than to submit to executive dictation; and, for opposing the Whigs in Congress, Tyler was being blamed for excessive use of the veto power. By the Constitution, Bagby reminded them, the President was made the "executive guardian" of the whole people and, as such, could use the veto to prevent adoption of any legislation he opposed. Although he was politically opposed to the President, asserted Bagby, he would support Tyler.

From the beginning, Bagby said, he had had anxious forebodings that a party had come to power consisting of vast numbers with great wealth and great talents but without any principles and controlled by leaders whose main objective was the gratification of "restless and vaulting ambition." Materials were, he felt, present within the Whig Party for a "splendid edifice" but no cementing principle to sustain the edifice. The Whig Party was as "discordant as the tongues of Babel," with bank and anti-bank elements, tariff and anti-tariff elements, distribution and anti-distribution elements, as well as other discordant groups. In it were men with good principles, bad principles, and no principles. Unmindful of dignity, he said, it had come to power on the basis of coonskins and log cabins and electioneering "without a precedent in the history of civilized nations." The public had been led to believe Whig control would lead to payment of the public debt, restoration of public credit, and a sound currency, but they had been disappointed. Instead of positive results, Bagby feared, Whig control would lead to the decline and fall of states, the dissolution of the Union, the overthrow of the Constitution, and the subversion of public liberty. Pleading with all party members to support either federalist or republican principles, he warned that the country could not survive continued "strife and wild uproar."¹²

While Bagby was in Washington during 1842, speculation continued in the Alabama press about who would be chosen by the state legislature for the full senate term beginning in 1843. Clearly, antagonisms left over from the previous election had not healed. Some disgruntled North Alabamians continued to complain that North Alabama lacked representation, and reports were circulated that Clay was ready to "take up the mantle" if called upon. Although Alabama Whigs conceded that no Whig candidate could be chosen, several prospective Democratic candidates were identified including Bagby, Clay, David Hubbard, and J. E. Saunders. Despite rumors that Bagby would not seek reelection, his supporters kept his candidacy alive and maintained that he was popular, that he had performed well in the Senate as a defender of southern rights, and that he could "grapple" effectively with others in the Senate.¹³

¹²*Democrat*, December 24, 1842.

¹³*Tuscaloosa Independent Monitor*, November 30, December 21, 1842, hereafter cited as *Independent Monitor*; *Democrat*, October 15, November 19, 26, December 17, 1842.

In a December letter to a leader in the Alabama legislature, Bagby wrote that he would continue to serve in the Senate provided he had the support of a majority of the Democratic Party. It was not necessary, in his opinion, to give representation to different sections of the state, for he could serve the interests of the "whole state." Subsequently, the Democratic caucus agreed to support Bagby, and he was elected by the legislature without formal opposition, receiving all except eight votes scattered among six other candidates.¹⁴

Partly because of the timing of the election and partly because of his health, Bagby was delayed in returning to Washington until late January, 1843; however, he missed little of importance in the unproductive short Third Session of the Twenty-Seventh Congress. In brief speeches, however, Bagby continued to attack Whig projects and to defend the interests of the South. On one occasion, he spoke against a resolution which appeared to provide special treatment for water-rotted hemp from Kentucky to Missouri. Prices of American hemp, he said, should not exceed the price of foreign hemp of similar quality.¹⁵ In another speech, he supported a plan to indemnify President Andrew Jackson for longstanding claims, pleading with the Whigs not to make a partisan issue of the subject and to follow a policy of "simple and exact justice."¹⁶

Early in the First Session of the Twenty-Eight Congress, Bagby was drawn into the discussion of a resolution from Massachusetts proposing an amendment to the United States Constitution restricting congressional representation to free population. Complaining that "every expediency" had been used to bring the subject of slavery before Congress, he charged that the Massachusetts resolution threatened to "lay the axe" at the very root of a principle that sustained southern institutions. He questioned whether the Senate should approve printing of resolutions that were "seditious and incendiary" and sought the accomplishment of an act that many in the South and elsewhere had been laboring for years to prevent. Resolutions should not be published, he declared, which amounted to "treason against

¹⁴*Alabama Journal*, December 21, 28, 1842; *Democrat*, December 24, 31, 1842, February 25, 1843.

¹⁵*Congressional Globe*, Twenty-Seventh Congress, Third Session, 263.

¹⁶*Ibid.*, 302.

the rights and interests" of his constituents.¹⁷

Later in the session, Bagby presented resolutions of the Alabama legislature denying the admissibility of the Massachusetts resolutions. These resolutions declared that slave representation involved "terms upon which the Union was formed" and that any measure to abolish such representation involved "bad faith on the part of a sister, having a direct tendency to weaken the bonds of mutual interest and good feelings" which had bound the Union together. Proclaiming that the Alabama resolutions accorded with his own opinions, Bagby proposed that they be printed and that Massachusetts resolutions also be printed.¹⁸

Early in 1844, Bagby joined in debates concerning a Senate proposal for gradual reduction of tariff rates. Although he opposed a protective tariff and recognized "the injurious operation" of the existing tariff upon the southern section of the Union, he said he questioned the propriety of a tax measure being initiated in the Senate.¹⁹ In a later speech lasting two hours, he declared that he never viewed the compromise tariff of 1833 with the same favor that some had expressed. It had been, he felt, "calculated to do more harm than good" because it left the impression that one side had demanded more than it was entitled to and that the other side had asked for less than its just rights. Resistance had resulted which he trusted would never "be abated till it succeeded in abolishing the system of protection which threw the burden of taxation on the real labor and industry of the country, for the exclusive benefit of a small and exclusive class." The Act of 1842, he charged, was of questionable constitutionality because it had been designed for protection rather than revenue. Incidental protection, he believed, was constitutional only if it arose from a tariff designed for revenue, not if the purpose of the tariff was protection of "any branch of industry by contributions levied upon other branches of industry." Nevertheless, the people of some states had become "intoxicated" with the exciting stimulant of protection and were demanding more.²⁰

¹⁷*Congressional Globe*, Twenty-Eighth Congress, First Session, 176.

¹⁸*Ibid.*, 334.

¹⁹*Ibid.*, 183.

²⁰*Ibid.*, 581.

When the Texas annexation treaty came before the Senate in 1844, Bagby voted with the minority in favor of it. Although he made no recorded speech at the time, he later wrote that he had voted for the treaty with reluctance because he doubted whether the power to acquire Texas, by treaty or otherwise, could be found in any express grants within the Constitution. The annexation of Texas, he said, was not analagous to the purchase of Louisiana. One involved the purchase of a distant province; the other involved one independent nation merging itself into another. Unlike some, he did not believe that annexation would tend toward the abolition of slavery. Instead, there would be an increase in demand for slave labor in proportion to the expansion of the area in which slaves could be employed in production of the great staples. If he erred in his vote, he stated, it was in supporting annexation in violation of his strict construction views in order to carry out the wishes of his constituents.²¹

At this (point in) time, Bagby was in the orbit of Thomas Hart Benton. Philosophically opposed to both the views of the Democratic faction led by John C. Calhoun and of the one led by Martin van Buren, he had taken this third alternative. Both Bagby and Benton had reservations about the nomination of James Knox Polk for the presidency by the Democrats in 1844. According to one Polk supporter, Bagby sneered at Polk's nomination "repeatedly in the presence of coons" thus giving them encouragement. Remaining in Washington during the summer of 1844, he refused to frank any documents not being sent to Alabama, a state which was already safely Democratic. Because of Bagby's attitude, he was charged with being one of the "silent spectators" of the campaign and possibly a traitor "giving aid and comfort to his enemies."²² After Polk became President, however, Bagby disproved the latter charges and became one of Polk's firmest supporters.

When the Second Session of the Twenty-eight Congress

²¹*Letter of Arthur P. Bagby, Senator in Congress, to the People of Alabama* (Washington: J and G.S. Gideon, 1845) 4, 10, 13, hereinafter cited as *Letters of Arthur P. Bagby*.

²²H.C. Williams to Andrew Jackson, November 26, 1844, James Knox Polk Papers, Library of Congress; Charles Sellers, *James K. Polk: Continentalist, 1843-46* (Princeton: University Press, 1966), 188, hereinafter cited as Sellers, *Polk*.

met in late 1844, the Texas issue was still at the forefront, and various schemes were presented to bring about annexation without use of the treaty power. In his annual message, President Tyler argued that the election of Polk indicated that the people wished to see Texas annexed "promptly and immediately." Congress, however, was still a holdover group with roughly the same membership that had defeated the Texas treaty in the Senate earlier in the year. Some members were prepared to support annexation on almost any basis; some were opposed to annexation on any basis; others, including Bagby, had serious questions about the propriety of annexation and/or the means to be used for annexation. At least two constitutional issues were clearly delineated by Bagby and others: whether it was constitutional to annex a fully organized foreign state and whether any territory could be constitutionally annexed except by treaty.²³ On January 25, 1845, the House of Representatives approved a series of resolutions providing for the annexation of Texas as a state, for Texas to keep her public lands and her public debts, and for the creation of up to four additional states from the territory of Texas, the question of slavery in the new states to be determined by the Missouri Compromise agreement. The House resolutions were promptly rejected by the Senate Foreign Relations Committee. In the meantime, however, Thomas Hart Benton had presented several alternative proposals in the Senate, a final one on February 5, 1845. Prepared in consultation with Bagby and others, the plan called for the admission of Texas as a state "as soon as the terms and conditions of such admission" had been agreed upon and the cession of remaining Texas territory had been arranged "by the government of Texas and the United States."²⁴ Bagby urged that the Benton resolution not be sent to the Foreign Relations Committee because time was limited and because a majority of the committee were hostile toward annexation. Two problems, he said, should be considered, the question of annexation and the mode of annexation. The issue was not a party matter and should be considered in terms of the welfare

²³*Letter of Arthur P. Bagby*, 4-6; Frederick Merk, *Slavery and the Annexation of Texas* (New York: Knopf, 1972), 121-126.

²⁴*Letter of Arthur P. Bagby*, 5-6; Thomas Hart Benton, *Thirty Years' View; or, a History of the Working of the American Government for Thirty years, from 1820 to 1850*, (New York, D. Appleton, 1856), II, 632-634, hereinafter cited as Benton, *Thirty Years' View*.

of the country as a whole.²⁵

At this stage, passage of annexation resolutions by the Senate presented a tricky problem. The Whigs still controlled the body by a majority of 28-24. Nineteen Democrats were thought to be in favor of annexation; 22 Whigs were thought to be against it; nine members were considered doubtful, including five Democrats (among them Benton and Bagby) and four southern Whigs. To carry any proposal, the annexationists had to secure all Democratic votes and three Whig votes, and some of the doubtful senators had serious reservations about the House plan. Bagby, for example, doubted the constitutionality of the proposed procedure, objected to the extension of the Missouri Compromise line because he felt Congress could not exclude slavery anywhere, and questioned whether Texas, a foreign state, could be acquired and admitted directly into the union.²⁶

At an historic night session on February 25, Bagby spoke against the House resolutions for over two hours. Proclaiming that he had constitutional principles and moral principles, he said that he would not be guided by the mere results of a presidential election. The country faced trouble, he declared, if popular elections were to be used to settle all questions. The Senate had to deal with two main issues: the annexation of Texas and the admission of Texas as a state. The question was not whether a "*new state*" would be admitted but whether "*foreign states*" could be admitted into the Union. The people had spoken out in favor of annexation, but they had not decided that it should take place in violation of the Constitution. Bagby preferred the plan proposed by Benton, but he was prepared to support the House resolutions if they could be modified to conform to the Constitution. Although he was later attacked for his opposition to the unamended House resolutions, the *Daily Globe* commended Bagby for "laying open to the Senate" the real difficulty which threatened defeat of annexation in time for the problem to be corrected.²⁷

²⁵*Congressional Globe*, Twenty-Eighth Congress, Second Session, 247.

²⁶Letter of Arthur P. Bagby, 5-6; Benton, *Thirty Years' View*, 634-635; Sellers, *Polk*, 186-187.

²⁷*Congressional Globe*, Twenty-Eighth Congress, Second Session, 351-352; Washington *Daily Globe*, March 3, 1845, hereinafter cited as *Daily Globe*.

Prior to the time when Bagby made his speech, he and other Democrats had drawn up an amendment to the House resolutions calling for the Benton proposal to be combined with the House resolutions and, in consultation with House members, had determined that the proposed amendment would receive support in the House. Furthermore, they had obtained endorsement of this plan by President-elect Polk who apparently had been the one who suggested that the Benton scheme be combined with the House resolutions. After Bagby's speech, the compromise amendment was presented to the Senate by Robert J. Walker, a friend of Polk who (although he had not helped draw up the plan) realized that modification to the House proposals had to be made to insure acceptance of annexation. Soon after the Walker proposal was presented, a vote was taken on the combined package, and it was approved by a vote of 27-25. All Democrats supported the plan along with enough Whigs to insure passage. Later, The House of Representatives passed the amended resolutions by a greater majority than that body had given for the original resolutions. President Tyler then moved immediately to bring about the annexation of Texas under terms of the original House resolutions, and Polk concurred in his decision. The Bentonians were disappointed in Polk because they thought he had committed himself to follow the Benton procedure for annexation. Bagby later complained that friends of Polk had assured him that the Benton plan would be used and that Polk had failed to follow through on the agreement.²⁸

For his speech against the House resolutions, Bagby was attacked almost immediately in a communication from a Washington correspondent to the Richmond *Enquirer* which was published on February 28. Because Bagby had spoken against the House resolutions, even suggested that they were unconstitutional, the correspondent said that he was considered to be a "treacherous deserter" by his fellow Democrats. When Dixon Hall Lewis of Alabama had risen to reply to him, moreover, Bagby had silenced Lewis by sending him word that he would vote for the resolutions with slight modifications. As a consequence, the anti-Texas speech was never answered.

²⁸*Daily Globe*, February 27, 1845; *Congressional Globe*, Twenty-Eighth Congress, Second Session, 351-352; Benton, *Thirty Years' View*, 635-637; *Letter of Arthur P. Bagby*, 6-9; Sellers, *Polk*, 189, 215-218.

In a speech defending himself, Bagby called the report an "atrocious calumny" and charged that the allegations were "foul, unfounded, and villainous falsehoods." Denying that he had been forced to recede from a position he had taken for less than honorable reasons, he said that he had not sent a message to Lewis and had not conferred with him about Texas. The only statement of his intentions had been made in his speech when he said he would support the House resolutions if the Benton plan were added as an amendment. Robert J. Walker confirmed the truth of what Bagby said and pointed out that Bagby, at the time he made his speech, was already aware of Walker's plans to offer an amendment including substantially what Benton had proposed and had promised to support the amendment. Benton then pointed out that the Senate resolutions were as much Bagby's as his own.²⁹ Bagby later wrote that he had been attacked by the friends of annexation for demanding a compromise that was necessary to secure passage of any annexation resolution. If the Benton alternative mode for annexation had not been included, he declared, a few would have voted against the unamended resolutions and thus have defeated annexation. Indeed, he had "saved Texas" by taking an unpopular position.³⁰

Almost immediately, Bagby came under attack in the Alabama press for his stand on the House resolutions. His speech was described as uncalled for and injurious to the cause of annexation. In it, said a critic, he had taken a position indicating that the South was divided on the constitutional question. Bagby had been inconsistent concerning annexation, moreover, because he had voted for the "unconstitutional" House resolutions as part of a package which gave Tyler authority "to do just what he had avowed was unconstitutional." Friends of annexation, including other members of the Alabama delegation, were said to be "amazed and astounded" by his actions. Bagby stood alone, echoed another newspaper, "despised and execrated." The *Florence Gazette* charged that Bagby's actions had disqualified him from administering his senatorial functions "with honor, advantage, or virtue to his constituents," and a correspondent of the *Mobile Herald and Tribune* called him weak and unstable. No other Alabamians, said he, had

²⁹*Congressional Globe*, Twenty-Eighth Congress, Second Session, 388.

³⁰*Letter of Arthur P. Bagby*, 7.

objected to the House resolutions. Bagby, he declared, had "abandoned for a time his duty to the people of Alabama in favor of Benton, Tappan & Co."³¹ Another critic called on Bagby to explain whether he had abandoned his Alabama residence and whether he had visited the state within the last year or two to which Bagby replied that he had not abandoned his Alabama residence and that he had visited the state every year he had been in the Senate.³² In defense of Bagby, his friends pointed out that he had supported the rejected treaty of 1844, that he had insisted on the incorporation of an amendment that would win additional votes for annexation, and that he had supported the amended resolutions. In insisting on the modification, they maintained, he had contributed to the success of annexation; for, without the Benton amendment, the resolutions would have been defeated.³³

Unfortunately, illness in Bagby's family prevented him from returning to Alabama to defend himself at the end of the congressional session in March, 1845. In defense of his position, however, he later wrote two public letters, one in September and another in November. In the first, he admitted that he had opposed the House resolutions, partly because they recognized the principle of the Missouri Compromise; but he contended that he had probably saved annexation by demanding inclusion of the Benton amendment. Both General Andrew Jackson and President-elect Polk, he added, had approved the compromise approach. If he had kept quiet and voted for the unamended plan, annexation would have been lost because several senators would have voted against it.³⁴ In his November letter of sixteen printed pages, Bagby repeated some of the same points and gave a detailed accounting of his course beginning in 1844. He had, he said, reluctantly supported the 1844 treaty but had opposed the House resolutions because of his constitutional views. To him, it was vital that Texas be acquired before it was admitted to the Union; the Benton proposal permitted this procedure to be used. Annexation

³¹Huntsville *Southern Advocate*, March 21, 1845, hereinafter cited as *Southern Advocate*; Mobile *Herald and Tribune*, October 28, 1845.

³²Arthur P. Bagby to G.W. Gayle, published in *Democrat*, October 1, 1845.

³³*Democrat*, November 12, 1845.

³⁴Arthur P. Bagby to _____, September 24, 1845, published in *Democrat*, October 29, 1845.

would not have been approved, moreover, without the Walker amendment. Indeed, said Bagby, Walker had paid him the compliment of saying that he had "*saved Texas*." Following presentation of Walker's compromise proposal, Bagby pointed out, he not only had voted for the compromise package but had taken "unusual pains" to induce others to vote for it.

In answer to those who had questioned whether he would vote for final annexation of Texas, Bagby wrote that he had read the constitution of Texas and found it republican in form and that he would "cheerfully vote for her admission into the Union." Although he had understood that Polk had planned to appoint a commission to negotiate with Texas as called for in the Benton proposal, Polk had approved steps taken by Tyler for immediate annexation. He did not agree with the mode used, but the deed had been done. Now that Texas had dismantled her national government, she "must not be disappointed." Even if he voted for annexation, however, he would not consent to the abolition of slavery north of the Missouri Compromise line; for, if the power to limit slavery were ever conceded, Congress could extinguish domestic rights in all the southern states. Under the circumstances, he pleaded with the people of Alabama to make their judgment of him upon the principles of "justice and impartiality."³⁵

True to his word, Bagby spoke in support of Texas statehood at the succeeding session of Congress. Although he still questioned whether the Constitution permitted Congress "to admit foreign states into the Union," he said that the State of Alabama had long before instructed its senators to "use their best exertions" to bring about annexation. Since Texas had "disrobed herself of her sovereignty," Congress must admit or reject her. After Texas had been admitted into the Union, however, he said that Congress would not have the right to prohibit slavery, for states entering the Union must enter "on terms of equality with the original states," and citizens must maintain "all rights of property that attached to them as citizens of the United States."³⁶

Following settlement of the Texas issue, Congress turned

³⁵*Letter of Arthur P. Bagby*, 4-16.

³⁶*Congressional Globe*, Twenty-Ninth Congress, First Session, 91.

its attention to the Oregon question. In 1844 Polk had been elected on a platform calling for the reoccupation of all of Oregon. Early in his administration, however, he had offered to establish the boundary along the 49th parallel of latitude only to have the offer rejected by the British. In his State of the Union Message in December, 1845, Polk recommended that the convention with Great Britain calling for joint occupation be terminated. Subsequently, reports of adverse British reaction led some to fear war with England and demand that war preparations be begun. Speaking against a measure designed to expand the United States Navy, Bagby minimized the danger of war. The United States and Britain, he stated, had first agreed to joint occupation in 1818 and had agreed in 1827 to extend the arrangement indefinitely with the understanding that it could be terminated after proper notice. Neither party, therefore, should consider its rights violated by a decision to terminate the agreement by the mode provided in the agreement itself. The United States, he said, had simply decided to end a temporary condition and establish a permanent arrangement. Even if Britain objected, measures short of war were preferable. The hearts of the American people should be prepared for peace, not war. Preparations for war could be delayed until additional information became available. Meanwhile, no halfway premature measures should be adopted. Denouncing those who poured out "bitter abuse" on the British, he called Britain "one of the most intelligent, most enlightened, most Christian nations on the earth" and said that a "peaceful and honorable result" was less likely if abuse continued.³⁷

In early April, Bagby spoke at length in support of the joint resolution calling for implementation of Polk's recommendation that the British be given notice of termination of joint occupation. Both the United States and Great Britain, he noted, had asserted title to the territory and, to some extent, had occupied it. Since inaction would not lead to a resolution of differences, he favored giving notice whether the United States had a right to none of the territory, some of the territory, or all of the territory. The United States, he believed, had the "best title in existence" to all of the territory based on discovery and exploration and on the inheritance of Spanish claims. Although some senators envisioned a war with its

³⁷*Ibid.*, 263-266.

attendant bloodshed, suffering, and cost, Bagby said the danger was minimal. Passage of the resolution, indeed, would be the best means of preserving peace. Whatever the result, he maintained, it would be best to ascertain what was right, do it, and accept the consequences. Giving the termination notice involved no more than carrying out the terms of a contract. The United States had bargained earlier for the right of termination and had been granted the right. War should not come between "two great and intelligent nations" over issuance of the proposed notice. If war came, it would not be because of a fault of the Polk administration, for Polk had offered to accept the 49th parallel as a boundary and had withdrawn the offer only after the British had rejected it. Such a move was supported by the "rule of law, reason, and morality." If the British later chose to settle for a boundary on the 49th parallel, moreover, the United States could accept it or reject it without tarnishing its honor. The subject was a national question, he declared, not a party one.

To Bagby, the acquisition of Oregon was one of "the inevitable steps" in the progress of the United States in its "destiny as a Nation." He looked forward "with hope and exultation" to the time when "the tree of liberty, planted by the labor and watered by the blood of the heroes of the revolution" would "throw it luxuriant branches" across the majestic Rocky Mountains, when "the oppressed and downtrodden" of other nations would flock to the shores of the Pacific and find peace, security, protection, and liberty. The United States, he declared, was entering a new era in its history. Its population was growing rapidly; its resources were abundant; its economy was expanding; education and the arts and sciences were unfolding hidden treasures and the mysteries of nature; free government and religious toleration created "political prosperity." The United States stood "on an eminence," the eyes of other nations directed toward it. All transactions with "the rest of mankind" should be handled in such a way as to promote the fulfillment of its "destiny as a nation."³⁸

In the busy First Session of the Twenty-Ninth Congress, Bagby also worked closely with the Polk administration in seek-

³⁸*Ibid.*, 647; *Washington Daily National Intelligencer*, April 11, 1846.

ing adoption of the Walker Tariff. Staying in regular contact with Polk, he worked to keep wavering senators in line and to help defeat unwanted amendments.³⁹ In a brief speech, he announced that he was ready "to take the bill as it was" because he "approved of its great principles which were to reduce and to equalize the taxation of the country." In voting for the measure, he would have the pleasure of voting out "one of the most odious measures with which the country was ever oppressed. . . , the tariff of '42." He could not, he said, understand the views of some Northern Democrats. If the Northern Democracy could be kept alive only by supporting "that system of unjust taxation under which the South had so long labored," he felt, "there was an irreconcilable difference between southern and northern Democracy." The system of taxation should be an equitable one, operating "equally on all classes of taxpayers."⁴⁰ In another speech, he exulted that the "shackles of commerce and the unjust restrictions of the protective system" were about to be broken, that the people were to be taxed, "not for the benefit of a long highly-favored class," but for the support of government, economically administered, and that manufacturers, glutted with "a long course of favoritism and protection," were about to be denied some of their special privileges.⁴¹

On July 24, 1846, Bagby spoke at length against a bill providing large appropriations for the improvement of rivers and harbors. The bill, he feared, was destined to pass even though it was "fundamentally wrong in principle" and fraught with "disastrous consequences" for the future welfare of the country. Reviewing the evolution of constitutional interpretations since the days of George Washington, Bagby asserted that the powers of Congress were limited and that the country was in danger if these limitations were ignored. There were, he declared, no express grants in the Constitution authorizing Congress to make improvements on rivers and harbors; the words

³⁹Milo Milton Quaife, ed., *The Dairy of James K. Polk during His Presidency, 1845-1849*, (Chicago: A.C. McClurg and Co., 1910), II, 29, 33, 46, hereinafter cited as *Polk Diary*.

⁴⁰*Congressional Globe*, Twenty-Ninth Congress, First Session, 1057.

⁴¹*Speech of Hon. A.P. Bagby, of Alabama, on the Bill making Appropriations for Rivers and Harbors, delivered in the Senate of the United States, Friday, July 24, 1846* (Washington: Blair and Rives, 1846), 7, hereinafter cited as *Bagby Speech on Three Million Bill*.

were not even mentioned. Such improvements could not be considered necessary and proper, and they could not be justified under the war power, the commerce power, or the general power. Harbor improvements, he conceded, could be justified if needed by the Navy, but river improvements could not be justified. If Congress could supply money to pay for river improvements for war purposes, he said, it could also construct railroads within states. Although Congress could regulate commerce, he argued, it could not provide for the creation of commerce. It also had control over territories, but it could not appropriate money for river and harbor improvements within them.

The bill, charged Bagby, called for the support of about a hundred items, none of which would be passed if standing alone. Yet each senator, he surmised, would support it to insure that his state would get its share. "Logrolling" was involved, and the proposal was "unconstitutional, unwise, inexpedient, unjust, corrupting in its tendency, and destructive of all morality in legislation." It would make the Constitution a "dead letter." A "new and hungry swarm" would be invited "to suck out the vitals" of the treasury and bring "great and lasting evils" upon the country. Calling it a "monstrous system," Bagby said he would resist it more than any other measure; for in it he saw "the exhaustion of the treasury, the ruin of the Constitution, and the destruction of all morality in legislation." If the bill passed, he hoped Polk would veto it.⁴²

While Congress considered the Oregon question and domestic matters, tension between the United States and Mexico was mounting. After American troops along the Mexican border had been fired upon and some killed and wounded in April, 1846, President Polk asked for a declaration of war. Although Bagby did not speak at the time the war issue was being debated, he later explained his views on the subject. Mexico, he said, had "commenced the war." Prior to the annexation of Texas, she had announced that she would consider annexation as an aggression against her rights. After annexation, she had then initiated war by shedding "American blood on American soil." In doing so, her purpose had been to "reconquer Texas." Subsequently, the United States had

⁴²*Ibid.*, 4-7.

declared war but only after Mexico had opened hostilities. Unless the annexation of Texas was improper, there was nothing "unholy or unjust" about a war for repelling the Mexican attack. Mexico had no claim on Texas, said Bagby, for Texas had established her independence in 1836, had maintained it for nine years, and had finally been annexed by the United States in 1845. Even though the first blood had been shed along the Rio Grande, the dispute with Mexico was over "the whole of Texas." The Polk Administration, he felt, could scarcely have avoided war with Mexico once annexation had occurred.

Believing that the war was a "righteous one," Bagby maintained that it should be pursued with "all possible vigor." Since the Mexican objective was to reconquer Texas, the United States should prosecute the war until Mexico renounced that area and agreed to other appropriate concessions. He denounced those who called the war a "Presidential war," begun to satisfy Polk's ambition and lust for gain. Polk, he insisted, should not be treated as a "political free booter and robber" who had launched a war against "a weak and distracted sister republic" in defiance of the Constitution, morality, and patriotism in order to satisfy his ambitions.⁴³

In February, 1847, Bagby spoke in favor of prosecuting the war with increased vigor. Commending the Senate for providing "all the means asked by the executive to carry on the war," he was critical about delays and about divisions within the body. Three alternatives had been suggested: vigorous prosecution of war, establishment of a defensive line within Mexico, and withdrawal east of the Rio Grande. The best course for the United States, Mexico, and humanity, he felt, was the first one. Establishment of a defensive line would lead to a protracted war, he said, for Mexico would not seek peace; meanwhile, Americans would be left exposed in scattered fortifications which the Mexicans could attack at will. He favored stepping up the war effort, forcing Mexico to sue for peace, and demanding such terms as the events of war indicated.⁴⁴

⁴³*Bagby Speech on Three Million Bill*, 5-9.

⁴⁴*Ibid.*, 1-3.

About the same time, Bagby refused to support a resolution commending General Zachary Taylor and his men for the American victory at Monterrey. Taylor's terms for Mexican surrender, he said, represented the first time that a defeated army had determined the terms of surrender and the first time that any army had marched out with drums beating and colors flying. Bloodshed, Bagby conceded, might have been spared for the time being; but more blood, he predicted, would be shed when the paroled Mexicans joined the main armies.⁴⁵

Early in the Mexican War, President Polk began considering plans for sending commissioners along with the army for the purpose of negotiating a possible peace treaty. In December, 1846, he had a "full conversation" with Bagby about the subject, after which Bagby consulted with others concerning possible membership of the group. Subsequently, when a bill came before the Senate to appropriate three million dollars to defray cost of bringing the war to "a speedy and honorable conclusion," Bagby strongly supported the measure. Much good, he argued, could come from passage of the bill while no harm could possibly result from it. Expressing astonishment that some of the most vehement opponents of the war were at the same time among the most strenuous in opposition to a measure that would promote peace, he suggested that they did not want to confide such a large sum to the discretion of the President. There appeared, he felt, to be a secret dread on the part of some that territory might be acquired as a result of the war and concern about the disposition of it. To those, it seemed, the United States could make war but lacked the capacity to avail itself of the "fruits of war." As for him, if Mexico did not agree to a fair and honorable peace, he would organize territorial governments in areas already held, press the war "into the heart of Mexico," and "put the country under contribution" as fast as it was occupied. Conquests, he asserted, were recognized by the "laws of nations throughout the civilized world."

Turning to the problem of slavery in the territory to be acquired, Bagby attacked those who were demanding that no treaty be ratified unless slavery was excluded, by the fun-

⁴⁵*Congressional Globe*, Twenty-Ninth Congress, First Session, 317.

damental law, from acquired territory and denounced the "spirit of abolition" that was "on the prowl." He could not agree, he said, with those who predicted that disunion would result from acquisition of territory and told Southerners to check their "lust for dominion" and "determination to extend the area of slavery" lest they be held accountable for dissolution of the Union. Stressing his love for the "glorious Union," Bagby declared that the Constitution secured equal rights to the states of the union and the essential rights of life, liberty, and property to American citizens. Were this interpretation of the document to be abandoned, he would become a sectionalist in his views; and the South would "live alone" in his memory, his energies, and his exertions. He would never consent, he exclaimed, that territory acquired by common blood and treasure be "open and free for the citizens of one portion of the Union, with their property, while the citizens of another portion of the Union were excluded from it." In his opinion, the South was united on this issue "*as one man.*" There was only one way to avert conflict, he warned his friends in the North, "conceding to the people of every section of this Confederacy the equal rights secured to them by the Constitution of the common country." He hoped that the "sense of justice of the American people" would prevail and that madness, folly, fanaticism, and uncontrolled ambition would not bring about a dissolution of the Union.⁴⁶

In a letter to a committee in Tuscaloosa dated November, 1847, Bagby further elaborated his views about the war and war related issues. A foreign war, he said, was not a party matter. He had uniformly supported the largest appropriations of men and money requested by the government and expected to do so as long as the war continued. The achievements of American troops, he declared, were "unequalled in the annals either of ancient or modern warfare." By actions against the United States prior to the outbreak of war, he stated, Mexico had placed herself "without the pale of civilization"; "entire subjugation" was the alternative left to her. Nothing in the past history of Mexico indicated that she could maintain a separate existence. Her people were "incapable of self government." The country had had 17 revolutions in 25 years; most of its people were immersed in "barbarous ignorance," and most

⁴⁶Bagby Speech on Three Million Bill, 9-16; Polk Diary, II, 268.

of its leaders were morally depraved and corrupt. In the past, the Mexican government had been a "burlesque" of the republican form involving a "military despotism" under "petty tyrants." Under the blighting influence of her rulers, he said, Mexico had sunk lower and lower in the "scale of degradation." Her people lacked education and were under the influence of an ecclesiastical tyranny. Under the circumstances, he saw no alternative except to "reduce the country to absolute subjection" and extend the jurisdiction of American laws and institutions over it. For some time, in fact, he had been convinced that the incorporation of Mexico into the Union was one of the inevitable steps "in the fulfillment of [the American] destiny as a nation."

In the approaching session of Congress, Bagby predicted that there would be three factions in relation to the war: supporters of withdrawal to the Rio Grande, with the relinquishment of all conquests; supporters of a defensive line, and supporters of an all-out war for the conquest of all of Mexico. He favored the latter because the conquest of Mexico would be more compatible with American honor and of her future tranquility and security and best for Mexico itself. Mexico would be saved from anarchy and misrule and her people would be given freedom of conscience, freedom of speech and press, trial by jury, and other benefits that went with the American system.

Bagby had, he said, no fears that annexation of territory would lead to disunion. Indeed, he looked upon the addition of new states as a means of strengthening the Union. Settlement of the Oregon question had produced benefits, and he looked forward with "hope and joy" to the time when the United States would control the territory "from the lakes to the Isthmus of Panama, and from ocean to ocean." Such a development would mean "elevating and improving the condition of men, extending the area of civil and religious freedom, and the sphere of constitutional, regulated liberty." The United States, he declared, was divinely destined by the force of its "example in the great experiment of free government to liberalize and enlighten all the nations of the earth."

Territory acquired from Mexico, he added, must be acquired

“without any prohibition, limitation, or restriction on slavery.” It did not comport with the Constitution or the eternal principles of justice for the United States “to acquire territory by the joint blood and treasure of the whole country” and then “to attempt to create a distinction in regard to the rights of property of any description” within the territory so acquired. The government of the United States must provide “equal benefits and equal burdens.”⁴⁷

Throughout most of 1847, a debate went on in the Alabama press about whether a person to succeed Bagby in 1849 should be selected by the 1847 session of the General Assembly or by a later session. Some argued that an early selection was needed so that Alabama would be guaranteed representation if a special session of Congress were called in 1849. Others maintained that the election should be delayed until the results of the general election in 1848 were known. One seat, held by Dixon Hall Lewis, was already vacant and had to be filled in any case. Bagby's critics repeated attacks that had been made against him in 1845 when he had questioned adoption of the House resolutions dealing with the annexation of Texas and reasserted the claim that North Alabama was entitled to a seat. Others criticized Bagby for not staying in Alabama enough and for failing to pay his debts promptly. One correspondent suggested that he “lingered under the shadow of royalty” in Washington instead of trying to “heal rents” in his popularity in Alabama. In Bagby's defense, his friends noted that he had, in fact, made possible passage of the Texas resolutions by insisting that the Benton Proposal be added and pointed out that Bagby had vigorously supported the war effort even though some Democrats had gone over to the Whigs. His speech on the Three Million Dollar Bill, they declared, showed him to be a “fearless and eloquent representative of the true opinions of the Democrats of Alabama.” He was not alone, they said, in having debt problems.⁴⁸

Bagby had his speech on the Three Million Dollar Bill published and, prior to the meeting of the General Assembly, returned to Alabama and visited different parts of the state.

⁴⁷Albert P. Bagby to Tuscaloosa Committee, November 11, 1847, published in *Democrat*, December 1, 1847.

⁴⁸*Democrat*, May 5, June 2, July 14, 28, 1847; *Southern Advocate*, September 10, 1847.

In a letter to a committee in Tuscaloosa, later published, he expressed at length his views about the war. Although extensive efforts were made to bring about a vote in the 1847 General Assembly and although opposing candidates were identified, the election was postponed.⁴⁹

On January 25, 1848, Bagby introduced a series of resolutions in the Senate aimed at counteracting the provisions of the Wilmot Proviso. Bagby's resolutions declared that Congress had "no constitutional power to abolish or prohibit slavery in any State or Territory," that conquest was a "legitimate means of acquiring territory" and was "so recognized by the laws and universal practice of nations," that if territory were thereafter acquired by the United States by treaty or otherwise, Congress could not legally "exclude slavery from the territory whether by treaty stipulation or by act of Congress," and that such territory should be "equally free and open to the citizens of all the United States, without any limitation, prohibition, or restriction, in regard to slaves, or any other discrimination of property whatsoever." Speaking briefly in support of the resolutions, he maintained that the first represented what he understood to be the "true position" regarding the powers of the national government over slavery. Unlike some of his colleagues, he felt, as indicated in the second resolution, that conquest was a legitimate means of acquiring territory. Such territory, acquired by the "joint blood and treasure of the common country," should be "equally free and open" to the citizens of all the states of the Union.⁵⁰

Two days later, Bagby presented another resolution declaring that neither the people nor the legislature of a territory had "any constitutional power" to exclude slavery from such territory, that people of a territory or the legislature of the territory possessed only those powers that were delegated to them at the time a territorial government was established, and that, inasmuch as Congress had no power to exclude or prohibit slavery in a territory, it could not delegate the power to exclude slavery to a territorial legislature or the people of a territory.⁵¹

⁴⁹*Independent Monitor*, November 9, 23, 1847, January 13, 1848; *Southern Advocate*, December 25, 1847, January 22, 1848.

⁵⁰*Congressional Globe*, Thirtieth Congress, First Session, 241-242.

⁵¹*Ibid.*, 261.

On April 11, 1848, following a number of postponements, Bagby spoke at length in defense of his resolutions. The truth and correctness of the first resolution, he declared, should be accepted and proclaimed. The American people should be informed whether their rights stood upon "the adamantine principles and guarantees" of the Constitution or floated in "the visionary imaginations of moonstruck philosophers, or pretended philanthropists." Slavery, either for good or evil, either as a blessing or a curse, existed and would stand until the Constitution was changed or was undermined by the "insidious torrent" which was lashing against it. Law, precedent, practice, and principle, he said, supported the acquisition of territory by conquest. The third resolution, denying the power of Congress to exclude slavery from acquired territory, he stated, rested upon the Constitution. It was sustained, moreover, by considerations of "equity, truth, and justice" and was fortified by the "eternal principles of reason and right." The Constitution represented "a compact between sovereign states." Its provisions should be interpreted according to "their obvious meaning and impact." Territory could be acquired, and such territory should be free and open to all the citizens of the United States without any restrictions on slaves or other property. Justice, he insisted, demanded that slave owners be allowed to carry their property into the territory.

Even if slavery did not already exist in acquired territory, argued Bagby, Congress could not exclude the institution so as to promote the interests of one portion of the people and prejudice or exclude the interests of other citizens. Those who supported exclusion of slavery from the territories, he exclaimed, were contending for principles "destructive of the rights of the southern states, destructive of equality among the citizens of the United States." The Union, he warned, "would not survive the establishment of such a doctrine an hour." Noting that some of his colleagues had said they would not interfere with slavery where it existed, Bagby reminded them that they could not interfere, for slaveowners derived their rights from the Constitution. If their constitutional rights were denied, they would "no longer consider it worth preserving." Referring to his supplementary resolution, Bagby pointed out that territorial governments had only such powers as derived from the United States Government. It should be

obvious, he said, that Congress could not delegate to a territorial government authority that it did not itself have. Nor could current inhabitants of a territory make decisions that would deny rights to those who migrated later. All American citizens were entitled to the enjoyment of equal rights in the territory obtained from Mexico, he maintained, "else liberty and equality" under the American system were but phantoms, and the "guarantees of the Constitution vain, deceptive illusions." The Constitution, he stated, protected the right of slaveowners to hold their property; while it existed, they could not be deprived of property except in violation of that instrument. Despite Bagby's vigorous defense of the resolutions, they attracted little support and were eventually tabled by a vote of 24-9.⁵²

When the Treaty of Guadalupe Hidalgo reached President Polk in early 1848, he conferred with Bagby and others. At that point, Bagby expressed doubt that the document would be approved. Despite reservations, he later voted for the Treaty when it came before the Senate because it was presented by the administration and because he did not want to cause the United States to be involved in an act of bad faith. He did not believe, he later explained, that the terms were the best that could have been made "for the protection, promotion and advancement" of American interests.⁵³

In the spring of 1848, the white inhabitants of the Mexican province of Yucatan offered to give the United States "dominion and sovereignty" over that peninsula in exchange for military aid against revolting Indians. Alarmed by the possibility of European intervention, Polk conferred with Bagby and others and sent the correspondence to the Senate along with a special message expressing his concern about foreign occupation but not recommending intervention.

In a later speech supporting occupation, Bagby noted that Polk had not recommended intervention and had left the decision to Congress. Considering conditions in Yucatan, in the United States, and in the world, Bagby said he favored occupation.

⁵²*Ibid.*, 617-618, 773.

⁵³*Polk Diary*, III, 368; *Congressional Globe* (Appendix), Thirtieth Congress, First Session, 635.

People in that province had offered sovereignty and dominion over the area, and the Monroe Doctrine neither sustained nor forbade such a course. Although there was a slight possibility that Great Britain would intervene, he felt that she was in no position to spare forces with which to conquer a continent. At few times, therefore, would it be as safe for the United States to move into an area. The United States, said Bagby, should not tax its own people to bestow charity, but it could do so on the grounds of policy and self-preservation. Since Mexico was a conquered country, he believed, the United States had a duty to extend such protection to Yucatan as Mexico would have provided if she had not been left weak by defeat.

Speaking as an expansionist whose wishes had still not been satisfied, Bagby denounced those who were alarmed about manifest destiny and thanked God that he believed in it. To him, it involved "application of the proper instruments to carrying out the great designs of Providence," and it could never be applied better than acquisition of the miserable and degraded races in Yucatan or all of Mexico. "Masterly inactivity" was not the appropriate action. Since Mexico could not protect Yucatan, the United States should protect it; and, once in control of the territory, should hold it. He favored adoption of a plan permitting the United States "to occupy Yucatan most effectually" until she could sustain herself or was annexed to the United States. He would move immediately to occupy the area and later decide how to dispose of it. His wishes to secure the province, however, were not satisfied, for Whites and Indians in Yucatan settled their differences and withdrew the offer before congressional action could be taken.⁵⁴

In a June, 1848, speech dealing with a proposed territorial government for Oregon, Bagby again spoke out against both legislation unfriendly to slavery and the concept of popular sovereignty. Referring to the resolutions he had presented earlier, he stated that they were "sanctioned by every principle of the Constitution" and "every consideration of sound policy and equality." It was not right, proper, or constitutional, he

⁵⁴*Congressional Globe* (Appendix), Thirtieth Congress, First Session, 634-636; Julius W. Pratt, *A History of United States Foreign Policy* (Englewood Cliffs: Prentice-Hall, 1955), 292-293.

declared, to exclude any portion of the American population from a territory. "You are," he told his colleagues, "about to erect a barrier around one of those territories over which a portion of the people can never leap, unless they leave their property behind them." Although he was willing to allow the people of Oregon to form a temporary government, sufficient for all purposes and subordinate to future action by Congress, he said he was opposed to any action which would allow a territorial legislature to pass a law by which some citizens would be excluded. Although he conceded that Oregon lay north of the 36°30' line and that slavery was not likely to go there, he said that he could not support inclusion of a doctrine repulsive to many and "a direct, unnecessary, and gratuitous insult in the teeth of the people of the South." So far as he was concerned, if exclusion tainted the bill, the people of Oregon could "go without a government until the day of judgment." He had always opposed the concept of the Missouri Compromise because he felt Congress had "no right to compromise" away provisions of the Constitution and because the Missouri Compromise was "no compromise at all." True, it had smothered sectional fires for a time, but others had broken out periodically which, he feared, would "eventually destroy the Constitution." No "unorganized group" in a territory, he declared, had political power nor could a few thousand people living in a territory legally exclude other groups. To apply the concept of popular sovereignty would be to give to "unorganized aggregations of individuals" the same political power as that possessed by the largest and oldest states in the Union.⁵⁵

By early 1848, Democrats were becoming concerned about the selection of a presidential nominee for the forthcoming election. Although Polk had announced earlier that he would not be a candidate for a second term, Bagby and others who visited Polk in January urged him "not to commit himself irrevocably against serving a second term" should the party renominate him. Pointing out to him that the United States was involved in a foreign war and that there were divisions within the Democratic Party, they suggested that his nomination might be the only means of restoring party harmony. Despite the arguments of his colleagues, however, Polk pre-

⁵⁵*Ibid.*, 691.

pared a letter to the 1848 convention declining the nomination. After Polk read the letter to him, Bagby expressed regret that Polk was declining the nomination and assured him that he preferred him to "all others."⁵⁶

A few days later, on June 1, 1848, Polk offered Bagby an appointment as Minister to Russia. Bagby and others were caught by surprise because Polk had not discussed the appointment with anyone, even with members of his cabinet. After considering the offer briefly, Bagby accepted it and resigned from the Senate. The position as Minister to Russia involved a high honor, and monetary arrangements associated with the position made it possible for him to resolve some of his financial problems.⁵⁷

During his seven years in the Senate, Bagby had served the people of Alabama well. If he had not achieved greatness, neither had he been a mediocrity. In support of southern interests, he had consistently insisted on strict adherence to the Constitution, defended the institution of slavery and fought to insure that it could go into newly acquired territory, supported (with reservations) the annexation of Texas, sustained the war effort with vigor, and contributed significantly as an advisor to President Polk during the critical period of the Mexican War and the attendant peace negotiations.

⁵⁶*Polk Diary*, III, 319-320, 456.

⁵⁷*Ibid.*, 473, 478; *Southern Advocate*, June 24, 1848.

THE SOUTHERN COUNTRY STORE REVISITED: A TEST CASE

by

Kenneth R. Wesson

Discovery of new sources of historical raw data is extremely rare but still happens occasionally. One such recent "find" is the 1873 account ledger of the John C. H. Jones General Store.¹ Analysis of the ledger, and comparison with other extant ledgers of the period, reveals not only whether or not the store fit the supposed norm in its operation but also depicts the many and varied transactions carried on by even rural storekeepers. Furthermore, to some degree, the ledger reflects the trade activities of rural Southerners, their habits, and their predicaments.

The Jones store was located in the now-extinct town of Fairfield, Pickens County, Alabama, on the eastern bank of the Tombigbee River. Founded in the 1830s, Fairfield thrived during the Tombigbee steamboat era and then declined, as did so many other small river towns, with the coming of the railroad. When the Alabama, Tennessee, and Northern Railroad bypassed the town in 1907, Fairfield's population migrated one mile east to the railroad and there formed Cochrane.² By 1910 the town of Fairfield was uninhabited.

Until the coming of the railroad, the town maintained its existence and John C. H. Jones was a prominent citizen there. In 1870 the Fairfield precinct of Pickens County contained a population of 2,131, consisting of 238 whites and 1,893 blacks.³ The 1880 census shows the "Village of Fairfield" as having a population of 65.⁴ John C. H. Jones is listed in both the 1870 and 1880 census returns as a physician, the latter occupation

¹The ledger was found by, and is in the possession of, Tommy Kimbrell of Cochrane, Alabama.

²W. Stuart Harris, *Dead Towns of Alabama* (University, Al.: University of Alabama Press, 1976), 78.

³United States National Archives and Records Service, 9th Census. Alabama, Pickens County, 1870, Population, microcopy no. 593, roll no. 36.

⁴United States National Archives and Records Service, 10th Census. Alabama, Pickens County, 1880, Population, microcopy T-9, roll no. 2.

probably seeming more prestigious than "merchant." He was graduated from the University of Nashville, served in the Civil War as a private from Pickens County in the 42nd Alabama Regiment, and was elected to the Alabama House of Representatives in 1874. Subsequently, Jones became a member of the Pickens County Medical Association.⁵ From April, 1878, to May, 1892, he served as postmaster at the Stone Post Office;⁶ Stone's Ferry operated about one mile up-river from Fairfield and may have been the location of the Jones store, though the account ledger has "Fairfield" written under Jones' name and the 1880 census list Jones as residing in the "Village of Fairfield." Regardless, it is evident that John Jones was an active citizen and a viable part of community life in Fairfield, which was generally the rule with country storekeepers.⁷

There is little reason to doubt that Jones' store also conformed to the norm in its physical characteristics. The country store's square face has been termed a badge of the trade. The inevitable front porch, cat and "cathole," and bulging stove, located near the center of the building, were fairly common features of most stores.⁸ The typical general store was literally packed with a wide variety of goods including medicines, books, dry goods, hardware, groceries, tobacco, and liquors;⁹ the Jones

⁵James F. Clanahan, *The History of Pickens County, Alabama, 1540-1920* (Carrollton, Al.: Clanahan Publication, 1964), 36, 262, 266.

⁶Record of Appointment of Postmasters, 1832-1971. In the National Archives and Records Service, microcopy no. M-841, Alabama, roll no. 3. The Fairfield Post Office had been discontinued in July of 1866. Ibid.

⁷Lewis E. Atherton, *The Southern Country Store, 1800-1860* (Baton Rouge: Louisiana State University Press, 1949), 184-216, depicts the usual antebellum social life of the country storekeeper as one of prominence and community-mindedness. An earlier and more condensed version of Atherton's standard monograph is Fred Mitchell Jones, *Middlemen in the Domestic Trade of the United States, 1800-1860* (Urbana, Il.: University of Illinois Press, 1937). His description is much unlike harsher accounts of the post-war period such as those found in Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (Cambridge, England: Cambridge University Press, 1977), 126-148; and C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana University Press, 1951), 180-184. Thomas S. Stribling's novel, *The Store* (Garden City, N. Y.: Doubleday, Doran and Co., Inc., 1932) depicts storekeepers as an economic group that dominated the Southern communities through power based on the crop-lien system.

⁸Thomas D. Clark, *Pills, Petticoats and Plows, The Southern Country Store* (Indianapolis: Bobbs-Merrill Co., 1944), 34, 36, 42, 47.

⁹*Ibid.*, 74.

store was no exception and the ledger attests to the volume, diversity, and scope of the store's stock. This wide range of merchandise was owing to the rural nature of most country stores and to the fact that a particular store might be the sole source of commercial activity for customers who might buy "a little of everything." Yet the stock seemed scanty to visitors from the North because they failed to realize that customers were more interested in the accessibility of a wide range of items than in a wide choice of quality in a particular field.¹⁰ Where towns developed, the "general" store usually gave way to specialization, such as shoemakers, grocers, and hardware dealers;¹¹ Fairfield probably did not draw a sufficient volume of trade to warrant such specialized establishments, thus Jones' store remained a "general" one.

It is also likely that Jones' store paralleled closely the majority of country stores in its social aspects. Stores served as social gathering places for rural communities where neighbors met, news was swapped, and many checkerboards were worn thin. Usually they were polling places in rural areas, providing further opportunity for a dispersed population to meet socially. The country store has been termed a community clearinghouse playing a part in all facets of rural life.¹² Because there were few local banks some stores assumed many banking functions and kept farmers' money for safekeeping, as well as extending cash credit for taxes, doctor bills, and the like.¹³ Again the Jones store was no exception and the ledger records that no less than 68 people, out of 126 accounts, borrowed cash from Jones during 1873, ranging from \$.10 to \$337.87 and totaling \$4,605.76. Moreover, the loans recorded in the ledger were probably not all the loans extended by Jones during the year, for many storekeepers made arrangements orally with seldom a record made of them; the country store business was always a highly personalized one.¹⁴

Extending credit was nothing new to rural storekeepers

¹⁰*Ibid.*

¹¹Atherton, *The Southern Country Store*, 167-169.

¹²*Ibid.*, 70; Clark, *Pills, Petticoats and Plows*, ii, 65.

¹³Thomas D. Clark, "The Furnishing and Supply System in Southern Agriculture since 1865," *Journal of Southern History*, XII (February 1946), 25; Clark, *Pills Petticoats and Plows*, ii; Atherton, *The Southern Country Store*, 54.

¹⁴Clark, "The Furnishing and Supply System," 33.

and the country store was an important element in the Southern economy long before and for many years after the Civil War. The rural storekeeper acted as middleman in the trade process between large wholesalers, located in business centers, and local farmers. The storekeeper purchased goods on long-term credit from wholesalers and, in turn, extended credit (up to 14 or 15 months) to farmers, which allowed the latter to harvest crops before meeting store bills.¹⁵ Few farmers were able to buy regularly on a cash basis and credit was an absolute necessity for most. Approximately 78% of the typical country store's trade was credit business,¹⁶ and though the exact number of customers served by Jones' store is not known, the 126 credit accounts almost certainly represent the majority of the store's business. Many storekeepers calculated an annual loss of 20% on credit sales through nonpayment, and not infrequently debtors escaped their debts by moving without having "paid-up" at the store.¹⁷ The Jones store was not immune to debt evasion and at the end of one account column was scrawled over the balance "Deadhead," with no debit balance carried to 1874 and no record of payment.

There were ways of paying one's debt at the store, however, other than in cash. Oftentimes if a person was unable to settle a year's bill he could perform labor services for the merchant in order to balance the account.¹⁸ Three of Jones' customers "worked out" their debts in this manner. Storekeepers also bartered store goods for cotton and other farm crops and not a few merchants bought cotton outright for speculation purposes.¹⁹ The Jones ledger records many instances in which bacon, corn, eggs, and cotton were accepted as full or partial payment of debts. Jones received 18 bales of cotton during 1873 and allowed a credit of \$66.00 per bale. This acceptance of farm produce in payment was not only a near

¹⁵Atherton, *The Southern Country Store*, 14.

¹⁶*Ibid.*, 53, states the figure at between 66% and 75% for the antebellum period; Clark, *Pills, Petticoats and Plows*, 313, states the figure at 90%; and Clark, "The Furnishing and Supply System," 26, quotes 80%. The 78% quoted here is the means of the low of 66% and the high of 90%.

¹⁷Atherton, *The Southern Country Store*, 53-54; Clark, *Pills, Petticoats and Plows*, 93.

¹⁸Clark, "The Furnishing and Supply System," 39.

¹⁹Harold D. Woodman, *King Cotton and His Retainers: Financing and Marketing the Cotton Crop of the South, 1800-1925* (Lexington, Ky.: University of Kentucky Press, 1968), 76; Atherton, *The Southern Country Store*, 14-15.

necessity for farmers, it also tended to bind the farmer to a particular merchant and thereby lessen the latter's competition with other stores.²⁰ It is not known to what extent Jones was involved in the crop-lien system, whereby farmers pledged crops as collateral for supplies, but many of his customers were freed slaves who were likely to have been bound by a lien in 1873.²¹

Aside from being indispensable to the farmer, the credit business paid profitable dividends to the merchant. Retail markup on goods ranged between 100% and 200% both before and after the Civil War.²² Added to this heavy markup was a two-price system whereby prices were raised on supplies advanced on the credit basis; this credit markup ranged between 25% and 70% of the retail price.²³ Further, some storekeepers added an interest charge to credit accounts at the end of the year, which varied from 8% to 110% of the combined retail and credit prices. Interest rates were usually based on 12 months when they actually applied to a period of no longer than seven or eight months, because goods bought in December were charged interest for the entire year just as those bought in January.²⁴ Retail and credit markup for the Jones store is not known but it is doubtful, judging from the prices recorded in the ledger, that Jones raised prices to the extremes mentioned above. Moreover, Jones adhered to the antebellum practice concerning interest, whereby customers were not required to pay interest on accounts which were settled within the year.²⁵ Instead he charged interest at the annual rate of 10% only on the amount carried over to 1874, a total of \$511.01

²⁰Ransom and Sutch, *One Kind of Freedom*, 127; Atherton, *The Southern Country Store*, 51.

²¹Out of 126 names in the account ledger 71 resided in Fairfield precinct, 44 were black and only one black owned any real estate; 27 were white. 9th Census, Pickens County, Population. The remaining 56 people probably lived either up or down the Tombigbee, visiting Fairfield often enough to carry an account at the store, or in Mississippi, a relatively short distance from Fairfield and the river.

²²Atherton, *The Southern Country Store*, 122, 170; Woodman, *King Cotton*, 304; Clark, *Pills, Petticoats and Plows*, 207.

²³Clark, *Pills, Petticoats and Plows*, 79, 207, 316; Clark, "The Furnishing and Supply System," 28; Woodman, *King Cotton*, 80, 303; Ransom and Sutch, *One Kind of Freedom*, 130.

²⁴Clark, *Pills, Petticoats and Plows*, 79, 316; Clark, "The Furnishing and Supply System," 31; Woodman, *King Cotton*, 303; Ransom and Sutch, *One Kind of Freedom*, 130.

²⁵Atherton, *The Southern Country Store*, 120.

for the year 1873.

Except for the Panic of 1873, Jones would have reaped a considerable profit during the year, even if his retail and credit markups and interest charges had been minimal. Importantly, Jones' store generated more business than the average general store in the postbellum period. It has been estimated that most post-Civil War accounts ranged between \$80.00 and \$150.00;²⁶ during 1873 Jones charged a total of \$20,162.95, an average of \$160.02 per credit account. His ledger also records total cash sales per day, which amounted to only \$2,070.67 for the entire year 1873. If Jones charged only minimum credit and retail markups, 25% and 100% respectively, a projection of his gross profit for 1873 can be obtained by subtracting these amounts from the total charge and cash business (where applicable), in order to establish wholesale cost, and then by adding markup and interest amounts together (see Table I).

Table I

Projection of Gross Profit of John C. H. Jones'
General Store, 1873

Total credit sales	\$20,162.95
minus Credit markup of 25%	4,032.59
Credit sales minus credit markup	<u>\$16,130.36</u>
Credit sales minus credit markup	\$16,130.36
minus Retail markup of 100%	8,065.18
Wholesale cost of credit sales	= <u>8,065.18</u>
Total cash sales	\$ 2,070.67
minus Retail markup of 100%	1,035.33
Wholesale cost of cash sales	= <u>1,035.34</u>
Wholesale cost of credit sales	\$ 8,065.18
plus Wholesale cost of cash sales	1,035.34
Total wholesale cost	= <u>9,100.52</u>

²⁶Ransom and Sutch, *One Kind of Freedom*, 137; Clark, "The Furnishing and Supply System," 28.

Total credit and cash sales	\$22,133.62
minus Total wholesale cost	9,100.52
Gross profit from sales	= 13,033.10
Gross profit from sales	\$13,033.10
plus Interest charged in 1873	511.01
Projected gross profit for 1873	= 13,544.11

Subtracting a credit markup of 25% from the total credit charges leaves a remainder of \$16,130.36. Subtracting a retail markup of 100% from the latter figure yields a wholesale figure of \$8,065.18. Then, subtracting the retail markup of 100% on cash sales leaves a wholesale figure of \$1,035.34. Adding the wholesale figures, we find that Jones paid \$9,100.52 for goods sold during the year. When the total wholesale cost is subtracted from Jones' total cash and credit sales and the interest charges of \$511.01 are added to the remainder we find that the store realizes a gross, "on-paper," profit of \$13,544.11.

Net profit, of course, would take into consideration any unpaid balances carried over to 1874, transportation and insurance costs, and any other overhead expenses such as a clerk's salary, evaded debts, and the like. As it happened, possibly owing to the collapse of Jay Cooke's bank and the panic that gripped the nation in the fall of 1873, specie was in extremely short supply and Jones was forced to "carry" many accounts to 1874 either unpaid or only partially so. Only 35 of his customers had a beginning debit balance in January, 1873, averaging \$83.06 per account. Jones carried 82 accounts to 1874, however, averaging \$124.42 per account. Therefore, whereas Jones carried only \$2,872.10 to 1873 he was forced to carry \$10,202.44 to 1874, a difference of \$7,330.34. This factor alone infringed deeply into Jones' real profits. Although transportation and insurance costs and a clerk's salary were probably not confiscatory they further reduced Jones' real profit.²⁷ Presumably, Jones re-sold the cotton which he accepted as payment on accounts, but other produce, worked-out debts, and the

²⁷Atherton, *The Southern Country Store*, 153-154. The 1870 census lists four people under the occupation of clerk in Fairfield precinct and the 1880 census lists two clerks in the "Village of Fairfield." It is likely that one of these people was in Jones' employ.

"Deadhead" account of \$26.00 reduced actual money profit even more. Consequently, it is impossible to compute Jones' net specie profit for 1873, but it is improbable that he realized more than \$2,000-\$2,500. Moreover, the depression lasted several years following 1873 and Jones' business probably suffered with the rest. Both before and after the panic and depression of the mid-1870s, however, many country merchants are known to have become wealthy;²⁸ and, had his customers paid their debts, Jones would have profited tremendously from his country store operation.

The ledger not only reveals facts relating to financial matters but social ones as well. One of the most frequently purchased items at the store was whiskey. Its credit price was \$.50 per quart early in 1873 and rose to \$.60 per quart in July, though odd amounts were charged at times.²⁹ Aside from any cash sales, which are not itemized in the ledger, whiskey charges during the year total \$1,073.05 — 1,951 quarts at an average of \$.55 per quart. Only 22 customers bought no whiskey, thus the average liquor consumption of the 104 who used it was 18.76 quarts each per year. Considering that some accounts represent families containing many members the amount of liquor consumed does not seem overly intemperant, though the liquor trade was always under attack by reformers.³⁰

Other prevalent items charged included tobacco, sugar, and coffee. Tobacco was sold in plugs (at \$.25 per plug), as smoking tobacco (at \$.15 per sack), and as snuff (at \$.50 per box). During the year 87 people purchased a total of \$706.38 in some form of tobacco. Sugar was charged at \$.15 to \$.20 per pound and 60 people purchased 2,181 pounds costing \$381.68 during the year. Only 40 people purchased coffee, which was charged at \$.30 per pound throughout the year, for a total of \$163.90.

Perhaps the item most reflective of the customers' diet and their dilemma was bacon. Only 48 people purchased bacon during 1873 for a total of \$3,250.64. Bacon was charged at

²⁸Clark, *Pills, Petticoats and Plows*, 331; Atherton, *The Southern Country Store*, 21-25.

²⁹Prices quoted are assumed to reflect both retail and credit markups.

³⁰Clark, *Pills, Petticoats and Plows*, 43.

\$.19 per pound, meaning that each of the 48 people who bought bacon purchased an average of 356.42 pounds each — enough for approximately one pound per day. The author of the standard work on postbellum country stores has written that this meat was “euphemistically called ‘bacon,’” however, and was likely “white” or “fat” salt pork obtained from pen-fed hogs, which were slaughtered and shipped south by railroad — not the lean pork to which most Southerners were formerly accustomed.³¹ This fact comments on the lack of postbellum self-sufficiency and to devastation of the huge droves of hogs that roamed the open ranges of the South before the Civil War.³²

Flour, molasses, and cooking oil combined with bacon to form what was called the “white diet,” and Southerners consumed these goods with monotonous regularity.³³ Jones charged a total of \$608.65 for flour in 1873, at \$14.00 per barrel or 2 “scoops” for \$.25. He also sold 303 gallons of molasses on credit at \$1.00 per gallon, as well as 334 gallons of cooking oil at \$.75 per gallon. Jones sold a wide variety of other foods in smaller amounts including crackers, oysters, sardines, salmons, cheese, and, especially during the Christmas season, apples, oranges, raisins, and candy. The total charged for food in 1873 was \$5,191.24 and the figure would doubtless be larger if cash sales were known. On the whole it seems that none of Jones’ customers was completely self-sufficient concerning food, nor were they completely dependent. For some who bought bacon and molasses purchased no flour and cooking oil and vice versa. The fact that Jones sold such a tremendous volume of basic foods, however, does reflect the decline in self-sufficiency after the Civil War.³⁴

Jones’ largest sales were in dry goods and hardware, a

³¹*Ibid.*, 80, 157, 263; Sam Bowers Hilliard, *Hog Meat and Hoecake, Food Supply in the Old South, 1840-1880* (Carbondale, Il.: Southern Illinois University Press, 1972), 252.

³²Grady McWhiney, “The Revolution in Nineteenth-Century Alabama Agriculture,” *Alabama Review* XXXI (January 1978), 7. For a more detailed treatment of this topic see Forrest McDonald and Grady McWhiney, “The Antebellum Southern Herdsman: A Reinterpretation,” *Journal of Southern History*, XLI (May 1975), 147-166.

³³Clark, *Pills, Petticoats and Plows*, 79, 80, 263.

³⁴McWhiney, “The Revolution in Nineteenth-Century Alabama Agriculture,” 3-32, *passim*.

total charge of \$8,527.83. He sold cloth of many kinds and all manner of sewing paraphernalia, ready-made clothes and shoes, building materials, farming equipment, guns and powder, books, knives and forks, and various other items too numerous to name here. The stock seemed to anticipate the customers' every need.

John C. H. Jones operated a reasonably typical country store in 1873. His range of stock substantially supplied his customers' needs and desires, and personal loans were granted with regularity. The store was also conventional in its personal and casual style of business, allowing customers to "work-out" debts or pay with farm produce. Although the store's exact profit markups are not known, Jones could have expected a comfortable return on his investment had his customers been able to settle their accounts; this also would have been ordinary. The store's customers also adhered roughly to the norm. Preponderantly black, with a contingent of freed slaves, the customers bought as much in consequence of inclination and desire as from need. The store supplied its service area with the almost-universal Southern diet and in some small way compensated for the postbellum dedication to cotton. In all these ways the store was conventional, orthodox, and typical. As one studies the pages, names, and numbers in the ledger, however, he tends to become somewhat acquainted with Jones and his clientele, acquiring a feeling for each, and making this particular store seem rather special.

BETWEEN TWO WARS: ALABAMA IN THE HOUSE OF REPRESENTATIVE 1849-1861

by

Robert C. McGregor

During the fifteen years intervening between America's war with Mexico and its own civil war, the national partisan coalitions of the Jackson period were to a large degree displaced by sectional loyalties. The vast cession from Mexico catalysed a significant Northern opposition to the extension of slavery into newly occupied territories. This, coupled with the general anti-slavery agitation carried on since the 1820's, became the prime focus of national attention. The traditional Jacksonian issues slipped into the background.¹

The mounting pressure against the slave system that formed the basis of the Southern economy encouraged Southern radicalism as the followers of John C. Calhoun saw a supreme opportunity to advance the Southern Rights program they had so long advocated. Since the Nullification Crisis of 1832, Calhoun had been attempting to persuade Southern leaders to forego national politics in favor of sectional unity. As the South's minority status became more pronounced with the passage of time, Calhoun and his followers became more desperate, and therefore more radical, in their views. By 1849, they were calling for national guarantees of non-interference with slavery where it already existed, and non-resistance to its extension into the territories. Since slavery was a totally Southern concern, the radicals believed that the national party system could not be relied upon to accomplish these objectives. For this reason, sectional unity was all the more imperative.²

Alabama was one of the first Southern states to lend significant support to Calhoun's cause. Led by such radicals as Dixon H. Lewis and William L. Yancey, many of Alabama's leaders joined a campaign for Southern unity that would eschew national parties.³ The Alabama support was important, as the

¹Joel H. Silbey, *The Shrine of Party* (Pittsburgh, 1967), 83-87.

²*Ibid.*, 98-106 and 137-141.

³William G. Brown, *A History of Alabama* (New York, 1903), 174.

state was located in the heart of the cotton South, in the midst of a black belt area dependent upon the slave economy. This central location made the state key to the concept of sectional unity.

Although a few significant Alabamians were in the vanguard of Calhoun's followers, this was by no means an indication that they represented a united opinion in their home state, much less throughout the remainder of the South. In 1848, the radicals could not command a majority of the state's voters for their platform.⁴ Opposition was rugged, and despite the fact that it came from two directions, it represented a single concept: the continued ascendancy of national politics over sectionalism. Divided on many issues, Whigs and conservative Democrats were yet able to agree on the importance of maintaining truly national parties. Efforts of the radicals to overcome this national party loyalty played a very large role in Alabama politics between 1848 and 1861.

Opposition to the Calhoun program was sectional as well as politically partisan in Alabama. The state could be split into five relatively homogenous divisions, dictated primarily by geography.⁵ Southernmost of these was a river valley area including some ten counties. The land in this region was not as arable as that of the Black Belt, and slavery was not prevalent. Nonetheless, the economy of the area was largely dependent upon the slave system because its chief population center, Mobile, was an important export city for the cotton trade. Generally, this area's lone Congressman joined with the Black Belt radicals, although there were some significant exceptions.

The Black Belt itself made up portions of three Congressional districts. Slaves in this region outnumbered whites two to one; most of them employed in the production of cotton and similar cash crops. Southern Rights activity was centered in this area, and the movement enjoyed a considerable degree

⁴The Alabama State Democratic Convention endorsed a radical platform early in 1848, but the party ultimately supported Lewis Cass, who ran on a "squatter sovereignty" platform. Cass carried Alabama's nine electoral votes. *Ibid.*, 202.

⁵For further examples of intrastate sectional differences, see Frank L. Owsley, *Plain Folk of the Old South* (Chicago, 1949), 150-229.

of success in two of the three districts. District Four, located in the east-central portion of the state, included a scrub forest region known as the Pine Belt. Though none of its own citizens was ever elected to Congress, the voters of this essentially conservative region were numerous enough to defeat radical attempts to control the district several times during the 40's and early 50's.

At a line drawn roughly halfway up the state, the Black Belt gives way to the mountainous Appalachian region. There, slave-holding was relatively insignificant, and the economy was geared in a different direction. Grains and dairy produce were the principal products, and these were marketed, if at all, in the direction of Tennessee, not Mobile. The Appalachian people were staunchly unionist, a sentiment usually well reflected by the one or two men they sent to Congress.

Northernmost of Alabama's geoeconomic sections was the Tennessee Valley. Like the Appalachians, the Valley was not truly a part of the King Cotton economy. There were a great many slaves (45% of the population), but their production went north, rather than south. Because the people with whom they traded were generally cool toward the Southern Rights philosophy, the Valley people tended to be conservative as well. George S. Houston, foremost of Alabama's union men, was the perennial Representative from this region.⁶

In terms of power politics, Alabama's sectional split could be reduced to two major areas, with the southern rim of the Appalachians the dividing line. Often the antipathies between these two sections were quite strong, and it was not unusual for the leaders of one section to oppose an issue merely because those of the other were in favor.⁷ The effect of this intra-state rivalry was at times observed in the behavior of the state's representatives in the House of Representatives.

Under the republican design of the Constitution, the members of the House were to be the representatives of all the people of each state. But what did this mean philosophically?

⁶For further geographic analysis of the state, see Brown, *History of Alabama*, i-xii.

⁷Roy Franklin Nichols, *The Disruption of American Democracy* (New York, 1948), 254.

Certainly not all the classes and interests of the people could be embodied in a few national representatives, a fact Hamilton ably pointed out in *The Federalist*.⁸ Nor was this to be desired, in fact. Jefferson spoke of a national elite among men, one that would be evidenced in those elected to Congress.⁹ Representatives were not to be of the people, but rather the best of the people. Emanating from the best elements of society, this elected aristocracy would be well-equipped to maintain the pervasive interests of their constituents. It was to be expected that most Representatives would be of the learned, landowning, and commercial classes. This, at least, was the theory.¹⁰ In Alabama between 1849 and 1861, representation differed somewhat from the ideal, although in some respects the theory held true.

The landed and professional classes of Alabama were best represented in the national legislature. Of the twenty-one men sent to Congress, all but two were lawyers, one of them a doctor. Several of these professional men owned farms as well, thereby insuring that the livelihood of most Alabamians was well represented.¹¹

Slaveholding was often the measure of a man's status in Alabama, and many of the state's Representatives were among the elite. Three-fifths of Alabama's total families owned no slaves at all, while only about thirteen percent owned more than ten. Among the state's Representatives however, all but two were slaveholders, and over half owned more than ten.¹² As can be observed from the chart below, the percentage of Representatives owning slaves far outweighed the percentage in the population as a whole.

⁸Alexander Hamilton, John Jay and James Madison, *The Federalist Papers* (New York, 1961), 214-215.

⁹Richard Hofstadter, *The American Political Tradition and the Men who made it* (New York, 1948), 27-32.

¹⁰Hamilton, *The Federalist*, 214-215.

¹¹All biographical information concerning Congressmen, save for slaveholding data, is derived from the *Biographical Directory of the American Congress 1774-1971* (Washington: 1971).

¹²Slaveholding data concerning the general population of Alabama is derived from J. D. B. DeBow, *Compendium of the Seventh Census* (Washington, 1854), 95 and 99, hereafter cited as *Compendium*.

Slaveholding in Alabama:¹³
1850

		Total Families		Representatives	
		Number	%	Number	%
Number of Slaves Owned:	0	44491	60.3%	2	10%
	1-4	12941	17.5%	3	15%
	5-9	6752	8.9%	4	20%
	10-19	5067	6.9%	5	25%
	20-99	4481	6.1%	6	30%
	100-?	234	0.3%	0	0%
Total:		73786	100.0%	20	100%
Total Slaveholders:		29295	39.7%	18	90%

Although most of the larger slaveholders (those owning ten or more) made their homes in the Black Belt, they were not confined to that area alone. All but one of the Representatives owning fewer than five slaves came from the Appalachians, a region of few slaves. To this degree, Representatives reflected the slaveholding status of their constituencies.

Education also set Alabama's Representatives apart from their electors. The state had a larger stake in mass education than most of the Lower South, but the system was nonetheless inadequate. Only a fraction of Alabama's young were reached by the meager public school system. Most were taught either at home or in sub-standard, local schoolhouses. Education beyond the grammar school level was rare.¹⁴ Among the Representatives, however, higher levels of educational attainment were more common. Two-thirds attended college, nine of these graduating. Only four of twenty-one known failed to go beyond the public or local school level.

The men who represented Alabama during the stormy years prior to the Civil War were primarily of an elitist set if the factors of profession, slaveholding, and education are any indication. With very few exceptions, the Congressmen achieved

¹³Slaveholding data concerning Congressmen from National Archives, *Slave Schedules, Seventh Census of the United States, 1850* (Washington: 1850).

¹⁴DeBow, *Compendium*, 141-153.

heights in these three areas that most of their fellows could only wish for. The people of Alabama chose as their Representatives men a cut above the norms of their society. Yet, these Representatives had to reflect the views of those who elected them, or risk the loss of their seats. The men chosen were men of ability, but they spoke to the great national issues in a manner calculated to retain the support of their constituencies. How the people at home saw the issues depended to a great degree upon local circumstance.

Since the state's entry into the Union in 1819, Alabama had been overwhelmingly Democratic in its politics. The Democratic candidate won the state's electoral tally in every presidential election, and Alabama's senators were consistently Democrats.¹⁵ Basically, this was because the Democratic creed best represented the needs of Alabama's people. Staple agriculture was the occupation of most Alabamians, who felt that a low tariff policy was essential to foster the foreign trade this livelihood made desirable. To insure that the tariffs were kept low, government expenditures had to be limited as well. This meant opposition to federal aid for internal improvements. To further secure federal revenues, some Alabamians also advocated high prices for the public lands, although this was an issue of much contention throughout the state.¹⁶

Clearly, the desire for low tariffs and limited federal spending attracted most of the state's voters to the Democracy. Henry Clay's American System won few disciples. The Democrats were overwhelmingly successful in the Congressional races in the northern half of the state prior to 1849, and usually managed to win most of the southern districts as well. Successful Whig candidates from the Mobile and Black Belt-Pine Belt districts proved by their voting records to be of the "States' Rights" variety, moderately opposed to much of the nationalist Whig program.¹⁷ Most often, these Whigs won election because they offered an alternative to the Southern Rights Democrats gaining strength in the southern half of the state.

¹⁵All election information is from the "Candidate Name List" provided by the Inter-University Consortium for Political Research, Ann Arbor, Michigan.

¹⁶Silbey, *Shrine of Party*, pp. 83-87.

¹⁷Note the behavior of the Alabama Whigs during the 1840's. *Ibid.*, 155-212.

Personality played a significant role in Alabama politics. Dynamism and oratorical ability were virtual musts for the prospective Congressman, and stump campaigns were gala occasions held throughout the state every election year. By 1849, four individuals stood above the rest as masters of the political art, though each possessed his own style and his own set of opinions.

Henry W. Hilliard of Montgomery County held the distinction of being the state's foremost Whig. Hilliard made his reputation as opposition leader in the state legislature, and in 1845 was rewarded for his efforts with the first of three elections to Congress. Intellectual and restrained, Hilliard was considered an elegant and resourceful orator, qualities necessary to a man advocating a politics alien to most of his constituency. Caught between his loyalties to national Whig policies and his desire to be re-elected, he often had to walk a difficult tight-rope. During his four years in Congress prior to 1849, Hilliard proved a moderate on tariff and expansion issues, while opposing internal improvements as much as any Southern Democrat. Only in opposition to the Mexican War did he completely coincide with the nationalists of his party.¹⁸

Hilliard's chief competitor in southern Alabama was William L. Yancey, an avowed Southern Rights man. He was also from Montgomery. Yancey's political journey had been a strange one. His original claim to notoriety came as a result of his campaign against the Nullifiers of his native South Carolina.¹⁹ Moving to Alabama in 1836, Yancey took up farming and journalism, and began to view matters differently. Continued anti-slavery agitation upset him greatly, and by the 1840's Yancey was a thorough-going Southern radical. His stump debates with Hilliard were thus true contests of opposing ideology, with Yancey confronting his opponent's intellectual style with more simple, direct arguments. Both were spell-binding orators, and it was not unusual for their debates to last an entire afternoon, always with good attendance. Yancey's actual tenure in Congress was brief — not quite two years —

¹⁸Willis Brewer, *Alabama: Her History, Resources, War Record, and Public Men from 1540 to 1872* (Tuscaloosa, 1964), 454-455; hereafter cited as *Alabama*.

¹⁹Austin L. Venable, "William L. Yancey's Transition from Unionism to State Rights," *The Journal of Southern History*, X (April, 1944), 331-342.

but he was nonetheless the leading power in the Alabama Southern Rights movement. Often he was instrumental in the election of other radicals to Congress, while he himself held out for the Senate seat he never received. Yancey was the agitator, always seeking to advance the Calhoun philosophy in his home state.²⁰

North of the Black Belt, the requirements of politics were somewhat different. Appalachian people were generally poorer and simpler than their southernly neighbors, and hence responded to different conceptual views. Foremost in capturing the heart of the mountain folk was Williamson R. W. Cobb, prototype of the political demagogue. Cobb, a clock pedler turned farmer-politician, was an exception to the rule that Alabamians elected their betters. He owned no slaves, had a very limited education, and spoke to his constituency in a manner designed to win both hearts and votes. Usually he ended his speeches with crowd-pleasing songs of his own composition, one of the most popular of which began "Uncle Sam is rich enough to give us all a farm!" In Congress, Cobb voted against internal improvements, in favor of the Mexican War and slavery, and opposed his fellow Alabama Representatives by campaigning for a homestead bill. At home, Cobb soundly defeated any candidate who chanced to run against him between 1847 and 1861.²¹

In the Tennessee Valley, the acknowledged leader in politics was George S. Houston, archetype of the Southern gentleman and a loyal Jacksonian Democrat. Well respected by his Congressional colleagues because of his chivalrous and mild-spoken manner, Houston was able to secure re-election with little difficulty between 1841 and 1849, when he retired temporarily. He shared with his constituents a love for the Union, an opposition to high tariffs and government spending, and an ambivalence over the war with Mexico. Houston's voice was one of the strongest of many from northern Alabama in resistance to the Southern Rights philosophy gaining strength in the Black Belt. In Congress, Houston did as much as he could

²⁰John W. Dubose, *The Life and Times of William Lowndes Yancey* (New York, 1942); hereafter cited as *Life of Yancey*.

²¹Lucille Griffith, *Alabama: A Documentary History to 1900* (University, Alabama, 1968), 335-336; hereafter cited as *Alabama*.

to quell the growing disaffection between North and South, an effort that won him respect and approval both at home and in the House of Representatives.²²

The combination of events that culminated in the acquisition of Texas, New Mexico, and California — mostly potential slave territory — served to augment the growing sectional dissension of the 1840's. Abolitionists, convinced that a slave-holding conspiracy was designing to enhance its power, reacted with the Wilmot Proviso, coupled with intensified anti-slavery agitation. Southern defense of their institution was quick.²³

At a caucus of Southern Congressional representatives held in January, 1849, Calhoun attempted to gain adoption of a resolution enumerating the consequences he felt would attend continued Northern agitation. Although caucus moderates substituted for Calhoun's dark visions a more conservative document, the threat was obvious: Congress must protect slaveholding rights in the territories or dire consequences would follow.²⁴ Yancey had attempted to graft similar sentiments onto the Democratic Platform of 1848, only to fail. The Southern radicals had nonetheless served notice that their philosophy had found renewed strength in the face of problems growing out of the Mexican Cession.

Alabama's position on the new national problems of 1848 was somewhat anomalous. In an initial flush of outraged enthusiasm, the state Democratic Convention had in January adopted Yancey's famed "Alabama Platform" calling for equal rights in the territories. Further, the Convention ordered its delegates to bolt the National Convention if their platform was not accepted.²⁵ The Alabama state legislature immediately endorsed the platform, as did the Democrats of Georgia, Florida, and Virginia. Even Calhoun recognized that Alabama was now leading the drive for Southern rights.

²²Brewer, *Alabama*, 202.

²³For an analysis of the supposed cabal, see Frederick Merk, *Slavery and the Annexation of Texas* (New York, 1972).

²⁴Margaret Coit, *John C. Calhoun: American Portrait* (Boston, 1950), 475-76.

²⁵Brown, *History of Alabama*, 202.

By the time the National Convention met at Baltimore however, the conservative, northern wing of the Alabama Democracy had dampened the ardor of the state's delegation. When the Convention adopted a non-committal plank on the territorial question, most of the Alabama members acquiesced. Yancey's walk out of the Convention was lonely.²⁶

The conservatives in Alabama politics further manifested their opposition to the Calhounists during the Southern caucus of early 1849. Even the moderate substitution for Calhoun's original resolution failed to win the support of important Alabama politicians. Cobb, Hilliard, and Houston refused to sign. Cobb later observed, ". . . though I have been reprov'd for refusing to sign such a southern address, . . . and by some denounced as not being true to the South — notwithstanding all this, I *would not submit*."²⁷

Despite such evidence of strong conservative opposition, the Southern Rights men were in a powerful position for the Congressional elections of 1849. Houston sensed the political climate and refused to stand for re-election. His replacement was an avowed Southern Rights man, David Hubbard. In all, the radicals won four districts out of seven in 1849. Significantly, two of these victories were north of the Black Belt. Conservatism seemed on the wane.²⁸

The radicals were not to have their way in the Thirty-first Congress (1849-51). The efforts of Henry Clay and Stephen A. Douglas led to the passage of one last compromise between the two great sections. Conciliators North and South trusted that the Compromise of 1850, embodying the principle of squatter sovereignty, would neutralize the sectional tensions without adoption of the extreme measures of the now late John C. Calhoun.

Radicals throughout the lower South were not appeased by the Compromise. They had desired Constitutional guarantees for the protection of slavery and their sectional power.²⁹

²⁶*Ibid.*, 202.

²⁷31st Congress, 1st Sess., *Congressional Globe* X94: 647.

²⁸"Candidate Name List," ICPR.

²⁹J. G. Randall, *The Civil War and Reconstruction*, (Boston, 1953), 116-118; hereafter cited as *The Civil War*.

If these were to prove unobtainable, a peaceable dissolution of the Union was preferred. The Southern Rights men believed the Compromise to be essentially synonymous with the Wilmot Proviso. ". . . the Wilmot," stated David Hubbard, ". . . is a plain direct proposition to exclude the southern people, by law, from carrying their property and enjoying its use upon territory to which they have an equal right with the people of the North."³⁰ The Compromise was to be opposed at all costs.

All seven of Alabama's Representatives took a clear stand on the Compromise. The four Southern Rights sympathizers voted completely against it, while the two Whigs were joined by Williamson Cobb in strong support of its passage. As far as the Alabama Congressional elections of 1851 were concerned, the question was one of black and white. One was either pro-compromise or anti-compromise.³¹

The Congressional election of 1851 was one of the most memorable in Alabama history. At the outset, three political factions entered the field in most districts, thereby promising interesting triangular races. The Whigs, led by Henry Hilliard, saw in the Democratic split an excellent opportunity for their party to become the ruling force in Alabama for the first time. Squarely on the side of the Compromise, several Whigs added the adjective "Union" to their party label, thus branding their opponents secessionists by inference.

In the Democratic camp, the conservative wing held the advantage. Leaders of the state's Democratic machine were Senators William R. King and Jeremiah Clemens, both longtime foes of Yancey and the radicals. This conservative machine was strongest in the northern part of the state where the voters had been casting straight Democratic returns since Andrew Jackson's time. The preponderance of Democrats in this area assured the machine control of the governorship and the state legislature.³² In the south however, machine control of the party was tenuous due to the inroads of Southern Rights.

³⁰31st Congress, 1st Sess., *Congressional Globe* X95: 947.

³¹Henry Mayer, "A Leaven of Disunion: The Growth of the Secessionist Faction in Alabama 1847-1851," *The Alabama Review*, XXII (April, 1969), 83-116.

³²Brown, *History of Alabama*, 177-205.

The machine would have difficulty maintaining discipline in the south with a stand in favor of the Compromise of 1850. With the conservatives in control of the regular party machinery, the radicals had resolved to present their own slate of candidates, running under the name of States' Rights Democrats.³³

Almost as soon as the campaign began, the Whigs and conservative Democrats recognized their common ground in this special contest, resulting in the eventual agreement upon compromise candidates. In Districts Five and Six, (Tennessee Valley and one of the Appalachian Districts) Union Democrats were put up, namely George S. Houston and Williamson Cobb. Cobb was considered a sure bet in his district, but the Tennessee Valley would be perhaps the most significant of the seven contests. Houston, the classic conservative, was running against David Hubbard, incumbent and avowed secessionist. In the other northern district, Alexander White ran as a Union Whig.

In southern Alabama, where the conservative faction of the Democracy had been losing ground to the radicals for years, more reliance was placed upon the Whig organization. Hilliard himself refused to stand for a fourth term, but campaigned diligently for the Union Whig candidates. James Abercrombie and W. S. Mudd carried the Whig standard in Districts Two and Three, while William R. Smith was brought forward as a simple "Unionist" in the Fourth. The Whigs also ran a Union candidate in the First District, though without the help of conservative Democrats.

As usual, the Mobile District provided a unique political case. John Bragg, a long-admired public citizen, was put forth as a compromise between the radical and conservative wings of the Democracy. Bragg played his part well, contending that secession was a legal remedy for Southern ills but not one to be implemented at the present time. In the other six districts, the Union candidates held that secession, if legal at all, would be economically disastrous and that the only way to save the South was through acceptance of the just compromise legislated by Congress. They did emphasize, how-

³³Mayer, "Leaven of Disunion," 83-90.

ever, that success of the Compromise hinged upon strict enforcement of the Fugitive Slave Law."³⁴

The radicals ran a candidate of their own in every district save the First. Two of these, Hubbard and Sampson W. Harris, were incumbents, while the others were well-known figures in the state's government. Yancey again refused to run, but campaigned vigorously for the Southern Rights men, usually in debates with Hilliard. The public discussions between these two often overshadowed the efforts of the men actually running for office. In the debates with Hilliard, Yancey's position was always the same. The South must elect to Congress men committed to its interests; compromises were not to be relied upon; slave-holding rights were to be guaranteed in the territories. Other radical candidates painted terrifying pictures of the slave rebellion to attend further Northern agitation, and urged secession as the surest means of salvation.³⁵

In August, after all the arguments on both sides of the Compromise issue were presented, the people voted. The result was close but decisive. Alabama would accept the Compromise and remain in the Union. Harris, the incumbent from the Third District, was the only radical victor; he won by 582 votes (6.2%). The Union Whigs took two districts — including one they had never won before³⁶ — and Unionist Smith won election as well. Cobb, as expected, did extremely well as a Union Democrat, and, most important of all, Houston defeated Hubbard in the Tennessee Valley. Bragg, the consensus candidate of all the Democrats in the Mobile district, defeated a Union Whig to round out the slate. Conservatism reigned.

Although the radicals managed to win only one district, their results were not totally disheartening. Only in Cobb's district had the loss been overwhelming. In most districts, it had taken an unholy coalition of Whigs and conservative Democrats to defeat the radical candidates. In the face of a compromise that had seemingly placated much of the nation, Alabama's radicals had won a large percentage of the vote

³⁴Brewer, *Alabama*, 409-410.

³⁵Dubose, *Life of Yancey*, 185-193.

³⁶It was, in fact, the first, last, and only Whig victory in the Appalachian area.

for their stance in opposition. They had lost most of the Congressional races, but their position in the state's politics was by no means destroyed. The defeat was not one that could be overcome, given a little more time and work. The radicals learned one lesson from their narrow defeat. Rather than oppose the party machine that had so long controlled politics in their state, they must gain control of it and direct it to meet their own needs. Power within the Democratic Party meant power in the state. For the next ten years, the radicals would battle the Union-sympathizing conservatives for that power. Alabama's loyalty to the Union hung in the balance.³⁷

In comparison with the Congressional sessions of the previous six years, those of the Thirty-second Congress were fairly peaceful. It had not yet become apparent that wide-spread Northern opposition would severely hinder the effectiveness of the Fugitive Slave Law. The Compromise of 1850 seemed viable. The territorial disputes of the 1840's had been temporarily resolved, and agitation of the slave issue in Congress was kept to a minimum. The nation as a whole seemed to desire a respite from sectional ills. The Congress of 1851-53 devoted itself to the vagaries of American economic health, debating the questions of internal improvement, sale of the public lands, and federal aid to railroad construction. The troublesome issue of slave extension was left in the background.³⁸

In the state of Alabama, the politics of Southernism also occupied the backseat for the time being. Like much of the nation, Alabama had contracted the railroad construction fever. Plans were being prepared for an expanded network of rails throughout the state, most of them contingent on some form of state or federal aid. The temperance issue served to detract from the Southern Rights question as well. For the moment, Yancey and his followers could find few sympathizers.³⁹

With the Union question apparently settled, Alabama's Representatives were free to assert their positions on the economic issues that now held the nation's interests. Since

³⁷Mayer, "Leaven of Disunion," 112-116.

³⁸Silbey, *Shrine of Party*, 121-136

³⁹Brown, *History of Alabama*, 211-212.

economics had played little part in the election of 1851, no pledges had been made on these issues. A certain degree of splintering was bound to result.

Sampson W. Harris, the only Southern Rights man to gain office, demonstrated an affinity with the conservative Democrats on most economic issues. With Harris, a majority of the Democrats favored a liberal land policy and federal aid to railroad construction while opposing organization of the Nebraska Territory. The two Union Whigs, Abercrombie and White, concurred with these stands. However, in John Bragg and William R. Smith, Alabama had two maverick Representatives. Both had been coalition candidates — Bragg a compromise between two Democratic factions, Smith the choice of rival Unionist groups. In Congress, both asserted a large degree of independence in voting. Bragg had enjoyed a long career of quiet individualism, and proved no different as a Representative. He took a moderate stand on railroad subsidy and the slavery question, and opposed the graduation of land prices. Bragg followed the traditional Southern pattern, voting to keep federal expenditures low and land revenues high. His colleagues, however, were voting with the West on the land issue in part to secure Western support on future sectional issues, in part to win votes from the yeomanry at home. Bragg was out of step with the times.

Unlike Bragg, who voted the dictates of a tradition-bound Democratic conscience, William R. Smith demonstrated a diametric opposition to any previous voting position. Smith, like Cobb a non-slaveholder from the Appalachian region, was completely amenable to federal aid for internal improvements for both railroads and rivers and harbors. He also voted in favor of Nebraska's organization despite its obvious potential as a free state. These stands were not to be the last of Smith's deviations.

Overall, the voting pattern of Alabama's Representatives was relatively coherent despite the diffusive nature of the campaigns that elected them. In general, the Alabama delegation favored graduation of land prices, federal aid for railroads (but not for other forms of internal improvement), military pensions, and slavery. They opposed the organization of

Nebraska, a portent of the divisive sectional potential of that issue.

The voters apparently approved the stands of their Congressmen. All but two were returned in the elections of 1853. White and Bragg refused to stand for re-election, the latter due to disillusionment with the "evidence of a decadence of public virtue" prevalent in Washington.⁴⁰ Bragg's moderation on the slavery issue had made him a liability to the Southern Rights wing of the Democracy anyway.

As far as the prospects for Union sentiment were concerned, the electoral results of the year 1852-53 were ambivalent. The Unionists were strengthened by the election to the Vice-Presidency of William R. King, a Unionist Democrat from Alabama. In the state's Congressional Districts however, the indications were different. White and Bragg were replaced by Southern Rights men, both of whom ran with Democratic Party support. The radicals were again beginning to enjoy some success within the Democracy.

The Alabama delegation to the Thirty-third Congress appeared a disparate group. Two conservative Democrats had been elected, along with three Southern Rights men, one Union Whig, and one Unionist. From the party labels, it appeared that splintering within the group would be a common occurrence. Such was not the case.

Events beyond the control of Alabama's individual Congressmen conspired to unite them on virtually every issue they faced. Problems began when Senator Douglas of Illinois, pressed by home-state railroad interests and Western demands, dutifully reported a Kansas-Nebraska bill out of his territories committee in January, 1854. In the hope of mitigating the slavery question, Douglas had embodied the principal of "squatters sovereignty" in the legislation. The principal was a device that appeased practically no one.⁴¹

The consequent debate on the Nebraska-Kansas Bill was a long and painful experience in both Houses. Most Southerners,

⁴⁰Brewer, *Alabama*, 409.

⁴¹Randall, *The Civil War*, 132-133.

particularly those with radical leanings, were indifferent to the bill itself. Although its provisions did unleash the possibility of further slave territory north of the Missouri Compromise line, the guarantees of slave extension were woefully inadequate. The radicals had long stood on a platform of positive protection for slaveholders in the territories. This bill was not what they desired. What forced Southerners into vigorous support for the legislation was not the bill, but rather the attacks upon it by Northern abolitionists. They demanded that slavery be banned absolutely from the territory as provided by the Compromise of 1820. Philip Phillips of Alabama observed that the bill was "... assailed by many who admitted the correctness of the principle upon which it was founded, and yet objected to it as a repeal of the Missouri Act of 1820." "If that act," he continued, "had no further claim upon their consideration than its own intrinsic merits, it surely would be illogical to say that the wrong of their predecessors should be a bar to righteous action on their own part."⁴²

To a man, the Alabama Representatives supported the Kansas-Nebraska Act, thereby assisting its eventual passage. In addition, the seven Congressmen voted as a unit in opposition to internal improvements, conservative land policy, high tariffs, and payments for the claims of Texas creditors. On the surface, it appeared that Alabama's Representatives had at last found the common ground upon which to unite in defense of their section. Save for the support of liberal land policy, all seven had adopted a traditional Southern stance on the issues. All had defended low tariffs, slave extension, and minimal federal spending.

Home reaction to this high degree of Congressional unity was somewhat complicated by the advent of a new party in Alabama. Rather than basing a campaign on the issues fought in Congress, the House candidates found themselves debating the merits of a new political creed: Americanism.

In the wake of disastrous defeat in the presidential canvass of 1852, the national Whig Party had been severely weakened. Disintegration was completed when Northern Whigs

⁴²33rd Congress, 1st Sess., *Congressional Globe* X105: 984.

deserted the party for a new, sectional, anti-slavery party formed in the wake of the Nebraska-Kansas debate. With the national Whig organization collapsed, Southern Whigs were forced into either the Democracy or the new American Party. The American organization, born of several near-paranoid fears, announced its intention "to cultivate an intense Americanism, and exclude aliens from suffrage, and Roman Catholics from office." Membership in this ritual-strewn organization was secret, but voters flocked to their standard by the thousands, all for no apparent reason. There were few immigrants living in Alabama at the time, and Catholicism had not been considered a threat prior to 1855.⁴³

The Americans played upon the voters' fears and emotions rather than their intellect. By this practice they managed to elect two Representatives, one in the Mobile District. The other was William R. Smith, the maverick Unionist, who had now shifted allegiances. Smith's victory was especially significant for the Americans, as he had won in a three-way contest, with every newspaper in the District against him.⁴⁴

The only other race of significance was in the Second District — Hilliard's home — where a Democrat was elected for the first time in ten years. The result was symbolic. The Whigs were finished as a force in Alabama politics. Their attempt to identify themselves as the party of Union had failed. The voters gravitated more naturally to the conservative Democrats, who not only bore the Union label but also espoused the economic doctrines the people desired. The death of the national Whig party had finished Alabama's Whiggery. With no national standard around which to rally, most of the party faithful joined the Americans as the only viable alternative to the Democrats.

Henry Hilliard, the leader of Alabama Whiggery, spent the next few years politically adrift, unable to support either Democrats or Americans. In the remaining four Congressional districts, incumbent Democrats won easy re-election. Five Democrats and two Americans would make up the new Alabama delegation. These results were difficult to analyze. The

⁴³Griffith, *Alabama*, 343-348.

⁴⁴Brewer, *Alabama*, 561.

Americans had won their districts at the expense of Southern Rights candidates, apparently indicating a defeat for radicalism. Yet, the Nebrask-Kansas Act had united the Alabama radicals and conservatives during the preceeding Congress, and five of these Alabamians were returning. It remained to be seen whether one side had co-opted the other.

While the Alabama Democracy struggled with their secretive Americanist opponents, events of a far more fearful nature were taking place in Kansas. Radicals on both sides of the slavery issue had quickly induced an artificial emigration to Kansas following passage of the Nebraska-Kansas Act, hoping to people the territory with enough voters to decide the state's slaveholding status. Clashes were inevitable.⁴⁵

The Thirty-fourth Congress was soon flooded with petitions, resolutions, and bills aimed at settlement of the Kansas problem. Much of the agitation was initiated by Northern voters and their Representatives, who demanded a restoration of the Missouri Compromise and an investigation of the fraudulent territorial elections. Southern Representatives obstructed these propositions vigorously, and countered with proposals that federal troops be employed to enforce the decisions of the pro-slavery state legislature. Consequently, both sessions of the Thirty-fourth Congress were stormy.

The Alabama delegation was in the vanguard of those demanding respect for the rights of slaveholders in Kansas. The six Representatives, including both Americans, who voted regularly supported the extreme Southern position. Alabama, with the rest of the South, would not allow slavery to be denied access to the territories without a fight.

Further events widened the gap between North and South. Massachusetts Senator Charles Sumner slandered a South Carolina colleague during a speech. Preston Brooks, a South Carolina Representative, responded by caning Sumner senseless. Northerners were inflamed by Brooks' brutality, but many Southerners, including the Alabama delegation, rushed to his defense. The attempt to expell Brooks was a failure.⁴⁶ Because

⁴⁵Randall, *The Civil War*, 135-36.

⁴⁶*Ibid.*, 139-40.

of the Brooks-Sumner affair and continued violence in Kansas, public outcry in both the North and the South was now at a fever pitch.⁴⁷

Back home in Alabama, Yancey and his followers saw in this renewed sectional animosity another opportunity to gain power. Radical demands had again been ignored at the national Democratic Convention in 1856, but the political condition in Alabama was different from the national scene as a whole. In Alabama, the Democrats had no Republican candidate to contend with. There was no need to nominate moderate candidates on a compromise platform. The state, especially the Black Belt sections, had been enraged by Northern activities in Kansas and continued abolitionist agitation. In the southern half of Alabama at least, the radicals could now command a greater degree of sympathy for their cause.⁴⁸

Yancey had by 1857 become the acknowledged leader of the Democratic Party in southern Alabama primarily because events of the past three years seemed to have proven his dire predictions correct. It appeared the North would never rest until slavery had been abolished forever. Southern Rights Democrats were elected in five districts in 1857, isolating the conservatives, Cobb and Houston, in the north. The American Party members lost both their seats, and the party disappeared soon thereafter. The shadows the Americans had proclaimed against, foreigners and Catholics, had been replaced by more genuine fears in the minds of the Alabama populace. The voters desired Representatives who would defend their section against the dangers of Black Republicanism and slave insurrection. The Americans had not demonstrated themselves equal to the task. In Congress, the two American Representatives had meekly followed the lead of the Democrats, on Kansas and related issues. The result was a Democratic sweep in Alabama in 1857.

Not long after the Thirty-fifth Congress assembled, a vote was taken in Kansas on the slavery clause of the "Lecompton Constitution," a document written by a pro-slavery convention.

⁴⁷*Ibid.*, 137-39.

⁴⁸Dubose, *Life of Yancey*, 335-346.

⁴⁹Nichols, *Disruption*, 125-38.

Both the free-soilers, and those otherwise opposed to the document refused to participate, resulting in an overwhelming victory for the slavery clause. Northern Republicans cried "swindle;" Southern radicals determined to push acceptance of the constitution through Congress, consequently making Kansas a slave state.

President Buchanan worked hard to win Kansas for the South, wielding the patronage whip against Douglas Democrats opposed to Lecompton. The effort was to no avail. A compromise known as the "English Bill" was adopted in the House, by which the entire Lecompton document would be submitted to the people of Kansas for approval. This vote, taken in 1858, resoundingly defeated the constitution. The proponents of slave extension had lost the battle.⁵⁰ Buchanan's mechanations in favor of the South, rather than securing Southern rights, had merely fostered a dangerous split in the Democratic party.

On the Kansas issue, the seven Alabama Congressmen had voted as a unit, supporting statehood but settling for the English compromise. They also voted together on the question of land policy. All voted to reverse Alabama's stand from previous Congresses, by opposing a homestead bill. The excuse given for this sudden shift was that the Land Distribution Act of 1854 obviated the necessity of such a law. The truth of the matter, however, was that the Homestead Act had become a part of the Republican platform. Few Southerners could bring themselves to vote for a bill supported by the Black Republicans.

Unity among the Alabamians was limited to the issues of Kansas and land policy. Houston exhibited a small degree of voting independence, while Cobb voted against his Alabama colleagues on such myriad issues as Indian appropriations, expansion into Central America, pensions, and military expenditures. As events began to play into the hands of the radical wing of the party, conservatives Houston and Cobb began to divorce themselves from radical policies. It was becoming apparent that the Southern Rights men had now acquired enough power to undermine the national Democratic Party if

⁵⁰*Ibid.*, 176-80.

it did not meet their demands. With that collapse would come a Black Republican victory in the election of 1860. Many were already threatening secession if such should come to pass. "The concentration of the Northern masses in favor of the principles of abolition, and the fearful defection of Douglas, . . . utterly crushing the ability of the national Democracy to protect the South has convinced me that hereafter the South should place her reliance and confidence on herself alone. . . ,"⁵¹ Yancey wrote in 1859.

The Congressional election of 1859 was a virtual repeat of the 1857 contest, with results exactly the same: five Southern Rights men and two conservatives elected. All won by substantial majorities, underscoring the gap widening between the two major sections of the state. Cobb and Houston continued to uphold the national Democratic Party as the savior of a Union necessary to the peoples' well-being. In the south, Yancey and his followers denounced the national party as traitorous to the South. They themselves continued to acquire greater ascendancy in the state Democratic machine.

The Congressional elections were relatively insignificant. The outcome surprised no one. Of prime importance now was the 1860 Democratic Convention to be held in Charleston the following April. The Democrats of Alabama were prepared, armed with a platform dictated by Yancey, containing the provisions, "the Congress of the United States has no power to abolish slavery in the Territories, or to prohibit its introduction into any of them."⁵² Because of the events of the preceeding five years, the radicals could now count enough support to force acceptance of the provision or else split the Democracy.

John Brown was dead and buried by the time the Thirty-sixth Congress met in December of 1859. His insane and reckless act had alone been enough to seize upon Southern fears of slave insurrection, and evidence that he had been aided by Republican politicians served to confirm what the Southern radicals had maintained all along. To augment further the national paranoia, copies of Helper's *The Impending Crisis*

⁵¹Quoted in DuBose, *Life of Yancey*, 388.

⁵²Griffith, *Alabama*, 374.

were found circulating among poor whites and free blacks in the South throughout 1859. This book, viewed by leading Southerners as an incendiary document calling for a class struggle throughout the section, was being suppressed in the slave states while Republicans employed it as campaign literature.⁵³

Coupled with the recent outcome of the Kansas affair, evidence such as John Brown's raid and Helper's book convinced many Southerners that they were no longer safe in the Union unless honest concessions could be gotten from the North. Minds harkened back to the demands of Calhoun: two presidents, each with a veto power, and a constitutional amendment guaranteeing the existence of slavery.

The first session of the ill-fated Thirty-sixth Congress produced extremely little. The usual debates were fought over land policy, finance, military expenditures, and slavery; but interest was minimal. James L. Pugh of Alabama's Second District refused to vote much at all, in fact. "The truest conservatism and wisest statesmanship," he noted, "demand a speedy termination of all association with such confederates, and the formation of another union of States, homogenous in population, institutions, interests, and pursuits."⁵⁴

The mind of practically everyone was focused upon the Presidential election of 1860. The Republicans, in an effort to enhance their chances in the canvass, attempted throughout the Congressional session of 1859-60 to embarrass the hapless Buchanan administration. This was not difficult as investigating groups such as the Covode Committee uncovered corruptions in the government printing office, the War Department, and other agencies of the administration. George S. Houston became one of the foremost Congressional advocates in defense of the administration, and was at one point nearly censured for his efforts. Only a parliamentary wrangle initiated by colleague Williamson Cobb saved Houston that embarrassment.⁵⁵

The Democratic Convention of 1860 met in Charleston,

⁵³Nichols, *Disruption of American Democracy*, 272-73.

⁵⁴Quoted in *Harper's Weekly* 5 (February 9, 1861), 82

⁵⁵36th Congress, 1st Sess., *Congressional Globe* X123: 2546-2554.

South Carolina. The site was a concession to Southern delegates whose platform demands had not been met in 1856. Now, in the focal point of Southern radicalism, the destruction of the national Democratic Party would begin. Douglas held a majority of the delegates, but the Southerners engineered a decision by which the platform would be decided prior to the presidential nominations. In committee, the Yancey plank was adopted by a bare majority, and was thus presented as part of the recommended platform. After a bitter debate, however, the Douglas slavery plank, an improvement over 1856 but nonetheless ambivalent, was accepted by a bare majority of the whole convention. This time, Yancey did not leave alone. The entire Alabama delegation followed, along with those of five other Southern states. Faced with such a disastrous split, the convention adjourned after agreeing to meet in Baltimore one month later.⁵⁶

During the interim, the Republicans nominated Abraham Lincoln, who was viewed in Alabama as the Black Republican who had maintained that a ". . . House divided against itself cannot stand. I believe this government cannot endure; permanently half *slave* and half *free*." The Alabama legislature had already voted in February, 1860, to call for a state convention to consider secession if a Republican were elected president. Nothing was done to revoke that decision.⁵⁷

Among the Democrats, a great deal of bargaining was carried on before Baltimore. The Douglas men at one point even proffered the vice-presidential nomination to Yancey. He refused. Ultimately, the bargaining did no good. When the Douglas delegates won the credentials fight in Baltimore and refused admittance to those who had bolted in April, the Democratic Party split irrevocably.

On election day in November, Alabama gave over half its popular vote to John C. Breckinridge, the candidate of what had been the Southern half of the Democracy. John Bell of the Constitutional Union Party commanded thirty percent of

⁵⁶Randall, *The Civil War*, 175-76.

⁵⁷Lincoln quoted in Randall, *The Civil War*, 160. The Legislature's action is recorded in Malcolm C. McMillan, *The Alabama Confederate Reader* (University, Alabama, 1963), 2-4.

the vote, and Douglas fifteen. Lincoln's name did not appear on the ballot. Although similar results were tallied throughout the South, the effort was of no avail. Lincoln carried enough Northern electoral votes to win the presidency without a confrontation in the House of Representatives.

When the voters of Alabama went to the polls again on December 24 to elect members to a state convention, South Carolina had already been out of the Union for a week. Unlike South Carolina, however, the people of Alabama were divided on the question of secession. Yancey and his radical following had done their work well, recovering from the losses of 1851 to command radical majorities in the Congressional elections of 1857 and 1859. Yet, secession was an extreme, irrevocable step, one that many Alabamians were loathe to take. It was one thing to bluster and talk of equal rights in the territories but quite another to sever all ties with the national government. Some, like Yancey, considered secession a right reserved to all the states. Others agreed with former Senator Jeremiah Clemens, who observed, "I do not admit the right of a majority to drag me into treason. . . ." Cobb used stronger language still, labelling secession plans "the wildest fanaticism. . . ."⁵⁸

The sectional split in Alabama revealed itself more dramatically in December, 1860, than it ever had in any Congressional contest. Almost without exception, those counties below the Appalachian mountains elected secessionists to the convention, while in the northern half of the state "co-operationists" were victorious. Because the southern half of Alabama was the more populous, the secessionists were guaranteed a majority, albeit a close one.

At the convention, a minority co-operation report was defeated by the close vote of fifty-four to forty-six, before the Ordinance of Secession was adopted by twenty-two votes. Alabama had seceded, though not as a united state. Several of the northern delegates, including William R. Smith, refused to sign the Ordinance and returned home. Soon rumors were afloat that northern Alabama was going to withdraw from the state government and form its own pro-Union state, "Nick-

⁵⁸Clemens quoted in McMillan, *Alabama Confederate Reader*, 14. Cobb quoted in *Harper's Weekly* 5 (February 9, 1861), 82.

jack," possibly in co-operation with eastern Tennessee. This plan came to naught, but northern Alabama Unionists would remain a thorn in the side of the Confederacy throughout the Civil War.

It fell to George S. Houston, Alabama's senior Congressman, to inform the House of Representatives of his state's action. For Houston, still an ardent Unionist, this was a difficult task. Rather than delivering a major address, Houston opted to inform the Speaker by letter of Alabama's action. He concluded by stating that "it is sufficient to say that duty requires our obedience to her sovereign will, and that we shall return to our homes, sustain her action, and share the fortunes of her people."⁵⁹ All of Alabama's Representatives signed the letter, save for Williamson Cobb. Cobb remained in Congress a week after the others had withdrawn, a protest against the secession he felt was unwarranted.

If Houston and Cobb had misgivings concerning the action of their state, the Southern Rights Representatives were euphoric. They were to be among the leaders in the launching of a new government, organized in Montgomery, the capital of their state. For better or worse, Alabama was attempting to withdraw from the Federal Union.

During the eleven years between the Compromise of 1850 and Alabama's departure from the Union, several issues faced the state's delegation to Congress. Some of these issues, such as land, internal improvement, and territorial questions recurred often while others, such as the Sumner-Brooks incident, were unique affairs. In the main, the Alabama Congressmen voted together on these issues. Although individual members might disagree on individual questions, the overall voting pattern indicated a fundamental agreement among the Representatives on most of the day-to-day issues facing each Congress. Yet, when the question of secession arose in awesome form after the election of Lincoln, the state, including its Representatives, divided on the issue. The reasons for this division are neither obvious nor amenable to easy explanation.

Essentially, the differences among the Congressmen were

⁵⁹36th Congress, 2nd Sess., *Congressional Globe* X124: 492.

over means, rather than ends. Their voting patterns demonstrate basic agreement on the necessity of protecting the slave-agriculture system. All voted to support slavery extension, to retain slavery where it already existed, to keep the tariffs and government expenditures low. These were the day-to-day measures that insured the survival of Southern institutions, the same ones their predecessors had been supporting in Congress for decades. However, when the ultimate danger presented itself to Alabama and the South with the election of Lincoln, a fundamental question presented itself as well. Could the South remain assured of victory on those day-to-day questions? Lincoln's election had been by totally sectional vote, thereby symbolizing the loss of Southern sectional power. The North could presumably now legislate any measures it desire with or without Southern support. The Southern Rights radicals maintained that Northern hegemony meant the surrender of Southern institutions, if the slave states remained in the Union: better, therefore, to secede. The conservatives disagreed with this sentiment, holding that secession would cut off economic ties to the North, spelling financial disaster: better to remain in the Union and explore honorable means of compromise on the slavery issue with the Republicans. The threat of Northern reprisals against any secession attempt might give cause for hesitation as well.

The Southern Rights men of Alabama considered secession the logical extreme in the battle for Southern institutions. The conservatives, while supporting the radicals on the measures facing each Congress, disagreed. Secession would not protect Southern institutions, in their point of view. It was over the single issue of secession that the two groups divided, leaving Alabama a disunited state in 1861. The split was primarily geographical. In terms of experience and background, the radicals and conservatives otherwise composed a relatively homogenous group.

Of the twenty-one individuals who served Alabama in the House of Representatives between 1849 and 1861, twelve were sympathetic to radical views, while nine, three Democrats, four Whigs, and two Americans, were conservatives. The Southern Rights men were all among the elite of Alabama society. Nine attended college, all twelve were lawyers. Although all twelve

owned slaves, only seven owned more than ten, three more than twenty. Yancey, the acknowledged leader of the Southern Rights clique, owned fewer than ten slaves as well. It would appear that the defense of Southern institutions was not the exclusive concern of the larger slaveholders.

Among the conservatives, background was somewhat more divergent, but again no trends appear. Five of nine attended college; eight were professional men. Two of the conservatives, Smith and Cobb, were non-slaveholders, but this in itself was not indicative of conservative traits. Four of the six conservatives remaining owned more than ten slaves. It seems that the number of slaves owned had little direct bearing upon a Congressman's sympathy for the Union. Smith and Cobb well-represented their districts, made up largely of non-slaveholders, by their pro-Union stands, but they were unique individuals. Three other Appalachian natives were elected during the period, two of them radicals.

If slaveholding, education, and profession had almost no bearing upon a Congressman's stand for or against the Union, geography seems to have played a vital role. With little exception, those counties in the southern half of Alabama manifested widespread Southern Rights sympathy by 1861, while those in the north remained more loyal to the Union. The radicals recognized this and made every effort to erode Union strength in the north. When power in the state legislature passed into their hands after 1856, the Congressional districts were re-organized to minimize the effect of up-State conservative votes. In the elections of 1857 and 1859, conservative victories were confined to two districts when in fact Unionist majorities could be counted in about forty-five percent of the counties in the state.

The radical comeback in Alabama between 1851 and 1861 was dramatic. Limited to a single Black Belt district in 1851, the Southern Rights men by 1857 commanded five districts; including all the lower river valleys, the Pine Belt, the Black Belt, and some portions of the Appalachians. Only the Tennessee Valley and the northern Appalachians remained free of their control. The reasons for this comeback were varied. The collapse of the Whigs, a strong conservative element in

state politics, was a tremendous asset to the radicals. The Americans were not a potent replacement for the Whigs due to their adherence to issues that became increasingly meaningless to many Alabamians. When confronted with the issue of slavery extension in its fullest fury after 1855, the Americans demonstrated themselves ill-equipped to handle it. The result was a desertion from their ranks to those of the Democrats.

Confusion among the Democrats themselves proved lucrative to the radicals. As events conspired to embarrass the position of the national party with regard to the territories, the radicals were able to present themselves as the staunch defenders of Southern institutions. While the conservatives continued to compromise with their Northern colleagues in the face of Kansas turmoil, John Brown, Hinton Helper, and Abolitionism, the radicals would have none of it. They stood for the South and the South alone. This was the kind of stand the people of southern Alabama increasingly desired. Their entire economy was geared to the slave system, and only the Southern Rights men appeared truly involved in its defense. The various compromises the conservatives had supported through the years came to naught, leaving the Southern system more threatened than ever. In the south at least, the radicals could present themselves as the guardians of all the voters held dear.

In northern Alabama, where the slave system was less important, the defense the radicals offered was relatively meaningless. The conservative ideology, which insured continued cooperation with states to the north, was the kind of program the northern half of Alabama desired. The long-continued trade with the North would only be disrupted, and perhaps destroyed, by secession. This was the essential difference. Southern Alabama's stake was in the slave system, while northern Alabama depended on economic cooperation with Northern neighbors. The one system inspired a drive for secession early in 1861. The other militated against it.

Alabama's Congressmen, 1849-1861

Dist	Name	Tenure	Party	Educ.	Geo-Ec	Prof	Slaves	Depart
2	Abercrombie, J.	51-55	UW	2	1	10	5	50
1	Alston, W. J.	49-51	W	3	1	10	5	50
1	Bowdon, F. W.	46-51	D	6	3	10	2	50

1	Bragg, J.	51-53	D	6	4	10	2	50
3	Clopton, D.	59-61	SRD	6	1	10	3	80
7	Curry, J. L. M.	57-61	SRD	6	3	10	1	80
6	Cobb, W. R. W.	47-61	D	1	3	20	0	80
7	Dowdell, J. F.	53-59	SRD	6	1	12	4	50
3	Harris, S. W.	47-57	SRD	6	1	10	3	50
2	Hilliard, H. W.	45-51	W	6	1	10	3	50
5	Houston, G. S.	41-49	D	4	5	10	4	80
		51-61						
5	Hubbard, D.	49-51	SRD	4	5	10	3	10
4	Inge, S. W.	47-51	SRD	2	1	10	2	50
4	Moore, S.	57-61	SRD	5	1	10	2	80
1	Phillips, P.	53-55	SRD	5	4	10	1	50
2	Pugh, J. L.	59-61	SRD	5	4	12	3	80
2	Shorter, E. S.	55-59	SRD	6	4	12	4	50
4	Smith, W. R.	51-57	U,A	5	3	10	0	10
1	Stallworth, J. A.	57-61	SRD	2	4	10	4	80
1	Walker, P.	55-57	A	6	4	30	?	50
7	White, A.	51-53	UW	5	3	10	1	50
3	Yancey, W. L.*	44-46	SRD	5	1	12	2	60

Codes

Party:

UW—Union Whig
W—Whig
D—Democrat
SRD—Southern Rights Democrat
U—Unionist
A—American

Education:

1—limited
2—common school
3—private school
4—academy
5—attended college
6—college graduate

Geo-economic Area:

1—black belt
3—Appalachians
4—lower river vallies
5—Tennessee Valley

Profession:

10—lawyer
12—lawyer, farmer
20—farmer
30—doctor

Slaves:

0—0 slaves
1—1-4
2—5-9
3—10-19
4—20-49
5—50-99

*Although William L. Yancey was not a member of Congress between 1849 and 1861, he did exert considerable political influence upon the Congressional races of the period. For that reason, he is included in the listing of Congressmen.

Reason for Departure:

10—defeated for re-election

50—retired

60—resigned, personal reasons

80—withdrew due to secession

Voting Scales for Alabama Congressmen,
Congresses 31-36***31st Congress*

Dist.	Name (party)	I	II	III	IV	V	VI	VII
1	Alston, W. J. (W)	2	2	—	2	—	—	—
2	Hilliard, H. W. (W)	2	2	0	2	—	—	2
3	Harris, S. W. (SRD)	2	0	—	2	—	—	0
4	Inge, S. W. (SRD)	2	0	0	2	0	—	0
5	Hubbard, D. (SRD)	2	0	0	2	—	—	—
6	Cobb, W. R. W. (D)	2	2	2	2	0	—	—
7	Bowdon, F. W. (D)	2	0	—	2	0	—	0

Codes:

<i>I</i> —Sectionalism	<i>II</i> —Compromise of 1850	<i>III</i> — <i>Land Policy</i>
2—Pro South	0—anti	0—conservative
	2—pro	2—liberal

**The scales presented here are the product of a computer research product intended to discover the voting behavior patterns of the Congressmen from all fifteen slave states between 1849 and 1861. Essential to this process were the "Congressional Roll-Call votes" supplied on computer tape by the *Inter-University Consortium for Political Research*. A codebook listing the substance of each individual roll call accompanied the voting data itself, making it possible to categorize groups of votes according to issue. This done, Southern Congressional attitudes on each issue were derived through use of a scaling technique. Computer program "Guttman Scale" from the *Statistical Package for the Social Sciences* was employed in building the scales. The scales measure the degree of a Congressman's agreement with a particular issue by counting the number of votes in a single direction, pro or anti. Once assembled, the scales for each issue were divided into three positions: essentially "strongly agree," "moderate," and "strongly disagree." The end product was that each individual Congressman was assigned one of three positions on each issue. If a Congressman failed to scale by not voting, he was considered an unknown, and is represented in the charts with a dash (—). Those interested in the technical aspects of the scaling technique should consult either Bent, Dale, H., et al, *SPSS: Statistical Package for the Social Sciences: Second Edition* (New York, 1975), or Edwards, Allen, *Techniques of Attitude and Scale Construction* (New York, 1957).

IV—Improvements (1st Sess.)
2—pro

V—Improvements (2nd Sess.)
0—anti

VI—Postage

VII—Government Operations
0—discourage
2—encourage

* * * * *

32nd Congress

Dist.	Name (party)	I	II	III	IV	V	VI
1	Bragg, J. (D)	—	1	0	—	1	0
2	Abercrombie, J. (UW)	2	—	2	0	2	—
3	Harris S. W. (SRD)	—	—	2	0	2	—
4	Smith, W. R. (U)	0	2	2	2	—	2
5	Houston, G. S. (D)	2	2	2	0	1	0
6	Cobb, W. R. G. (D)	2	2	2	0	2	—
7	White, A. (UW)	2	2	2	0	2	—

Codes:

I—War Pensions
0—conservative
2—liberal

II—Slavery
1—moderate
2—pro

III—Land Policy
0—conservative
2—liberal

IV—Nebraska Org.
0—anti
2—pro

V—Railroad Grants
1—moderate
2—pro

VI—Improvements
0—anti
pro

* * * * *

33rd Congress

Dist	Name (party)	I	II	III	IV	V
1	Phillips, P. (SRD)	2	1	2	0	2
2	Abercrombie J. (UW)	2	1	2	—	—
3	Harris, S. W. (SRD)	2	—	2	0	2
4	Smith, W. R. (U)	2	—	2	0	—
5	Houston, G. S. (D)	2	0	2	0	—
6	Cobb, W. R. W. (D)	2	0	2	0	2
7	Dowdell, J. F. (SRD)	2	—	2	0	—

Codes:

I—Kansas-Nebraska Act		II—Texas Debt Payment	
2—pro		0—anti	
		1—moderate	
III—Tariff Revision	IV—Improvements	V—Land Policy	
2—lower rates	0—anti	2—liberal	

* * * * *

34th Congress

Dist	Name (party)	I	II	III	IV	V	VI
1	Walker, P. (A)	—	2	2	2	2	2
2	Shorter, E. S. (D)	—	2	—	2	2	—
3	Harris, S. W. (SRD)	—	—	—	—	2	2
4	Smith, W. R. (A)	2	—	2	2	1	2
5	Houston, G. S. (D)	—	2	—	2	2	—
6	Cobb, W. R. W. (D)	0	2	2	2	—	2
7	Dowdell, J. F. (SRD)	0	2	—	2	2	2

Codes:

I—Improvements	II—Tariff Revision	III—Railroad Grants
0—anti	2—lower rates	2—pro
2—pro		
IV—Kansas Action	V—Slavery	
2—Southern position	1—moderate	
	2—pro	
VI—Brooks-Sumner Affair		
2—pro-Brooks		

* * * * *

35th Congress

Dist	Name (party)	I	II	III	IV	V	VI	VII
1	Stallworth, J. (SRD)	—	0	—	0	—	—	—
2	Shorter, E. S. (SRD)	—	2	2	0	0	2	2
3	Dowdell, J. F. (SRD)	—	0	2	0	0	2	2

4	Moore, S. (SRD)	0	0	2	0	—	2	—
5	Houston, G. S. (D)	0	1	2	0	0	2	2
6	Cobb, W. R. W. (D)	2	2	0	0	0	2	0
7	Curry, J. L. (SRD)	0	0	2	0	—	2	2

Codes:

I—Indian Policy	II—Pensions	III—Expansion
0—large reservations	0—anti	0—anti
2—small reservations	1—moderate	2—pro
	2—pro	
IV—Land Policy	V—Improvements	
0—conservative	0—anti	
VI—English Compromise	VII—Military Expenditure	
2—pro	0—low	
	2—high	

* * * * *

36th Congress

Dist	Name (party)	I	II	III	IV
1	Stallworth J. (SRD)	2	—	—	2
2	Pugh, J. L. (SRD)	—	0	—	2
3	Clopton, D. (SRD)	—	0	—	2
4	Moore, S. (SRD)	2	0	0	2
5	Houston, G. S. (D)	2	0	0	—
6	Cobb, W. R. W. (D)	2	0	0	2
7	Curry, J. L. (SRD)	2	0	0	2

Codes:

I—Military Expend. (1st Session)	II—Land Policy
2—pro	0—conservative
III—Gov't Loan	IV—Slavery
0—anti	2—pro

* * * * *

John F. Marszalek (Ed.), *The Diary of Miss Emma Holmes, 1861-1866*. (Baton Rouge: Louisiana State University Press, 1979. xxx, 496. Map, illustrations, notes, index. \$35.00)

Emma Holmes, a member of one of Charleston's old, elite families, faithfully kept a journal during the Civil War and early Reconstruction. She wrote not only for herself, but also with the future in mind, hoping that her diary someday would be valued "as a record of the events which mark the formation and growth of our glorious Southern Confederacy." Holmes was only twenty-two when she began her journal and lived in both Charleston and Camden, South Carolina, during the war. She recorded the everyday events in the lives of her family, friends, and acquaintances, and she also noted the rumors and reports that she heard about the war. Intensely patriotic to the South and to her native South Carolina, she freely expressed her opinion about politics, war, and society. Although serious and self-righteous, Holmes did not fail to relate humorous events such as a story about a Charlestonian who tried to communicate with several Frenchmen by "talking very loud and distinctly, as if they were deaf." A thorough aristocrat, she held a dim view of the upcountry, had little use for Charleston's "mobocracy," and after the war missed having things "all ready prepared to my hand." While her account differs in tone and content from Mary Boykin Chesnut's *A Diary from Dixie*, it nicely supplements that volume.

While Holmes' diary is useful, the quality of the editing is at best mixed. Editor John Marszalek wrote an informative introduction to the volume which provides background on Holmes. The footnotes are few and also helpful, although it is difficult to determine the editor's criteria for deciding whether or not to identify an individual. Marszalek deleted about one-fourth of the diary, mostly catalogs of names and military matters, and he carefully marked the excisions with elipsis marks. While one can quibble with some of his decisions, especially, when he deleted words that he believed left Holmes' style untidy, random checking indicates that nothing major was omitted.

Comparison of the transcription against the original manu-

script reveals that Marszalek accurately copied the words in the text, but his style of editing falls short of modern standards. He only partially spelled out his editorial method, possibly because he himself was confused about it. For instance, in copying the volume he was unsure about what to do with ampersands — sometimes leaving them as written and other times transcribing them as “and.” Similarly, at times he italicized the words that Holmes underlined and at other times he did not. These and other inconsistencies in transcription mar the volume.

The volume's greatest flaw is its index. The usefulness of a documentary publication is largely determined by the quality of its index, since a good index makes the information in the text available to a wide variety of researchers, both professionals and amateurs, who might not ordinarily read the entire volume. The index here is only six pages long and omits all but a few of the names mentioned in the text. Marszalek neglected to include many frequently mentioned individuals and even omitted most of the persons that he deemed significant enough to identify in the notes. The subject entries are poorly constructed and many of them lack subentries. For example, among the subjects without subentries are “religion” with forty-six references, “literature” with fifty-one references, and “social life” with sixty-one references. South Carolina place names, which appear throughout the volume, are also largely neglected.

Emma Holmes's diary provides an interesting account of life in South Carolina in the 1860's through the eyes of a literate aristocrat. It is a pity that the book did not get the careful attention from the editor and publisher that it deserved.

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W. David Lewis and Wesley Phillips Newton. *Delta: The History of an Airline*. (Athens: The University of Georgia Press, 1979. 503 pp. xiii. Contents, preface, illustrations, appendixes, notes, bibliography, index, \$15.)

This book, researched with funds from the Delta Air Lines

Foundation, presents a detailed and interesting narrative history of the nation's fifth largest but most profitable airline. It was written for a large general audience as part of Delta's fiftieth anniversary celebration and its commercial success is already assured because the company has placed a very large order for it.

The enterprise began in Macon, Georgia, in 1924 as a crop dusting division of the Huff Daland Company. In 1925 Huff Daland Dusters moved from Macon to Monroe, Louisiana, an excellent location because of the large cotton fields in the Mississippi Delta region. Furthermore, C. E. Woolman, one of the important employees of the division and future head of Delta, knew the Monroe area well. He had been employed by the agricultural extension service in Louisiana which had enabled him to travel extensively throughout the northern part of the state and meet many people and prospective customers. The fledgling division soon expanded operations to several other states and then to South America.

The executives of the division were eventually able to purchase the operations from the parent company which had by then changed its name to the Keystone Aircraft Corporation. On November 12, 1928, C. E. Woolman and associates incorporated Delta Air Service before a Monroe notary public. The name had been suggested by Catherine FitzGerald, a secretary and future director and assistant treasurer of the company, because the firm was based in the Mississippi Delta area.

The new owners then decided to begin passenger service. On June 17, 1929, Delta's first passenger flight took place from the western terminus Dallas, Texas, to Monroe; Birmingham, Alabama, was the eastern terminus. In 1930, because of an adverse government ruling in air mail contracts, the firm was forced to sell its passenger routes to Aviation Corporation or AVCO (present-day American Airlines).

But Delta did not leave the air industry. Shortly thereafter, an assortment of planes and other equipment was purchased from AVCO for \$12,500. Then the enterprise was rechartered by the state of Louisiana as Delta Air Corporation. It was barred from passenger flights under its old name because of

an agreement with AVCO, but not under its new name. For the moment, however, the company returned exclusively to crop dusting. Times were hard because of the Great Depression, but the firm was frugal and had the support of a Monroe banking institution.

In 1934 air mail contracts were reviewed by Roosevelt's administration and Delta received a coveted mail route and subsidy. With this government aid, the firm was able to resume passenger flights and by the late 1930's it was an established "small but successful regional airline." (p. 64) In March, 1940, stewardess service began.

The continued growth of Delta brought about a change in headquarters. Monroe at that time was a small city with a limited ability to sustain a viable commercial airline. Atlanta, however, was the hub of the route system and since the firm's maintenance facilities were already there, it became the new base of operations. This important move to a large city with abundant financial resources "augured well for sound future development," (p. 81) and later history has borne this out. A sentimental attachment remained for Monroe, however, and the company's annual stockholders meeting is still held there.

Delta thus entered World War II with a solid foundation for expansion and found wartime conditions conducive to just that. An ever-present, aggressive campaign for additional routes and two mergers, one with Chicago and Southern in the early 1950's and the other with Northeast Airlines in 1972, were also very important in the Delta success story. A brief account of Chicago and Southern is given in a separate chapter. Both mergers brought the company an expanded route system but created problems in personnel that were eventually solved. The mergers also increased the fleet of airplanes used, and the book tells how the company carried out a program of disposal and standardization to insure efficiency and economy. Information about and pictures of the types of aircraft used from Huff Daland days to the present jumbo jets are also presented. In the early 1960's, Delta became a transcontinental carrier with routes to the west coast, and then in 1978 an intercontinental airline when a route was opened to London.

The book emphasizes the family type of feeling that existed among the employees in Delta's past and which has continued to the present. This attitude was exemplified by the book's central figure — C. E. Woolman. According to the authors, he had a paternalistic approach to the company which he served as a benevolent overlord. Despite a homespun look Woolman had a "shrewd mind and an inexhaustible ambition." (p. 30) His style was summed up by one discerning observer who called him a "gentle autocrat." (p. 36) When Woolman disappeared from the scene, he was replaced by a management team typical of other large corporations.

General information concerning economic affairs of the company is given in the text, and three appendixes contain statistical data from the 1930's through 1977. Lewis and Newton were able to examine all corporate records, and conducted many oral interviews with company officials both active and retired who were responsible for the growth of Delta. The outcome is a good economic history that is recommended to anyone interested in commercial aviation.

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William Warren Rogers. *Pebble Hill: The Story of a Plantation*. Tallahassee: Sentry Press, 1979), Pp. xix, 168.

Pebble Hill is the story of a plantation outside of Thomasville, Georgia, and the people whose lives have been intertwined with it. The story begins with Thomas Jefferson Johnson, a hard-nosed businessman-farmer on the Southern Georgia frontier in the 1820s. Thoroughly bitten with the land-acquisition bug Johnson steadily enlarged his holdings over the next twenty years and became one of Thomas County's wealthiest citizens. The estate remained in Johnson's family until the 1890s, when the plantation passed into the hands of the Hanna family who tended it with the loving pride of its original owners. With the death of the last of the Hanna owners Pebble Hill became the property of a private foundation.

This volume is more than the story of a house or a piece of land. It is a fascinating tale of the residents who represent

very specific illustrations of the major trends of economic and social history of the nineteenth- and twentieth-century South: the chancy life on the early Southern frontier where death was never far away; the upheaval of the Civil War and Reconstruction era when personal property evaporated with emancipation and land values plummeted; the pleasurable lifestyle of affluent Yankees enjoying a fashionable winter resort. The book catches in a very real sense Southerners' love of the land and the magnetic hold of the South on those who came to dinner and never went home.

Pebble Hill is based primarily on prodigious research in the Thomas County courthouse and in courthouses of neighboring counties. Nobody knows better than Professor Rogers how to mine a courthouse for local history, and *Pebble Hill* is an example of the art at its best. Marriage records, deed books, court minutes, court dockets, will books, tax digests are a few of the types of materials used to trace the building of a plantation, its division, and its recreation. This is the way history should be written: specific local studies based on local sources followed by the sweeping historical generalities. All too often, unfortunately, historians write history the other way, with generalities first, based on sources more easily handled than those Professor Rogers has relied upon.

The book is also instructive for those interested in doing a family history where no substantial body of family manuscripts or journals exist. Such was the case with *Pebble Hill's* people, but the author has demonstrated what a courthouse and hard work can accomplish.

Professor Rogers has wisely included detailed genealogical charts, copies of land plats, and maps to guide the reader through the maze of names, family relationships, and land transactions. The text is well organized and eminently readable. However, more careful editing would improve some of the book's ragged prose.

Overall, *Pebble Hill* is fortunate to have Professor Rogers tell its story. The reader leaves the book wanting to visit the place and meet its people.

Sarah Woolfolk Wiggins
University of Alabama

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